

Kansas Register

Bill Graves, Secretary of State

Vol. 13, No. 12

March 24, 1994

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Office of the State Treasurer

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 1992 Supp. 75-4210. These rates and their uses are defined in K.S.A. 75-4201(1), 12-1675(b)(c)(d) and 75-4209(a)(1)(B), as amended by the 1993 Session Laws of Kansas, Chapter 207.

Effective 3-28-94 through 4-3-94

Term	Rate
0-90 days	3.22%
3 months	3.54%
6 months	3.94%
9 months	4.21%
12 months	4.41%
18 months	4.76%
24 months	5.04%
36 months	5.45%
48 months	5.79%
	Sally Thompson State Treasurer

Doc. No. 014593

18 E

State of Kansas

Department of Health and Environment

Correction Notice Concerning Permanent Administrative Regulations

The following regulations, K.A.R. 28-46-37 and K.A.R. 28-46-38, were not published in their entirety in the February 3, 1994, Kansas Register. They are being republished below.

28-46-37. (Authorized by and implementing K.S.A. 1984 Supp. 65-171d; effective May 1, 1982; amended, T-83-49, Dec. 22, 1982; amended May 1, 1983; amended, T-86-47, Dec. 19, 1985; amended May 1, 1986; revoked March 21, 1994.)

28-46-38. Inventory and assessment of class V injection wells. 40 CFR 146.52, as in effect on April 1, 1993, is adopted by reference. (Authorized by and implementing K.S.A. 65-171d; effective May 1, 1982; amended, T-83-49, Dec. 22, 1982; amended May 1, 1983; amended, T-86-47, Dec. 19, 1985; amended May 1, 1986; amended March 21, 1994.)

Robert C. Harder Secretary of Health and Environment

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Secretary of State
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Topeka, KS 66612-1594
(913) 296-2236



Kansas Register Office: 235-N, State Capitol (913) 296-3489

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State Conservation Commission

Notice of Meeting

The State Conservation Commission will meet at 9 a.m. Monday, April 11, at the State Conservation Commission Office, Conference Room 500, 109 W. 9th, Topeka. A copy of the agenda may be obtained by contacting Donna Meader at (913) 296-3600. If special accommodations are needed, please contact the agency three days in advance of meeting date.

> Kenneth F. Kern **Executive Director**

Doc. No. 014584

State of Kansas

Kansas Water Office

Notice of Hearing

The Kansas Water Office has scheduled a public hearing at 7 p.m. Monday, April 18, in the North Community Building, 505 N. Buckeye, Iola. The purpose of the hearing is to determine the availability of surplus waters in John Redmond Reservoir and to determine the public interest in disposing of those waters under a proposed pool level management plan for John Redmond Reservoir. The plan has been proposed by the Kansas Department of Wildlife and Parks and is designed to improve fish and wildlife habitat. Under the proposed plan, lake levels would be lowered by six feet beginning in June and kept at this level until September 15. This six foot drawdown would require the evacuation of over 70 percent of the conservation storage capacity of John Redmond Reservoir.

In addition to hearing public comments, representatives from the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, Wolf Creek Nuclear Operating Company, Kansas Department of Wildlife and Parks, and members of the Neosho River Water Assurance District are invited to present comments on this surplus water determination and the potential benefits and risks

associated with the proposal.

The current conservation storage water supply is fully contracted to the Wolf Creek Nuclear Operation Plant near Burlington. The Kansas Water Authority will need to determine if water availability in John Redmond will be surplus to that needed to satisfy the Wolf Creek demand in 1994 and whether the proposed disposal of such

waters is in the public interest.

Those attending the hearing may make comments in writing or orally. For additional information, or if accommodations are needed for persons with disabilities to participate in the meeting, contact the Kansas Water Office, 109 S.W. 9th, Suite 300, Topeka 66612-1249, TTY (913) 296-6604, at least two days in advance of the meeting.

> Stephen A. Hurst Director

State of Kansas

Kansas Advocacy and Protective Services, Inc.

Notice of Meeting

The Kansas Advocacy and Protective Services will conduct its governing board meeting at 7 p.m. Monday, March 28, at Annie's Place, Gage Shopping Center, Huntoon and Gage, Topeka. For more information, call (913) 776-1541.

> Joan Strickler **Executive Director**

Doc. No. 014583

State of Kansas

Secretary of State

Executive Appointments

Executive appointments made by the Governor, and in some cases by other state officials, are filed with the Secretary of State's office. The following appointments were filed March 7-18:

Emergency Medical Services Board

Dennis M. Allin, 8623 Alden, Lenexa 66215. Term expires May 31, 1997. Succeeds Clyde McCracken.

Export Loan Guarantee Review Committee

Leslie M. Boll, 4911 W. 96th, Overland Park 66207. Subject to Senate confirmation. Term expires September 30, 1997. Succeeds James Parmalee.

Governor's Council on Fitness

Robert M. Gonzales, 824 S.E. 42nd St. Terrace, Topeka 66609. Serves at the pleasure of the Governor. Succeeds Deb Kolste, resigned.

Jerry R. Stockard, Pittsburg State University, Department of Health, Physical Education and Recreation, 1701 S. Broadway, Pittsburg 66762. Serves at the pleasure of the Governor. Succeeds Connie Argabright, resigned.

Kansas Library Network Board

Ray L. Morrison, Private Academic Libraries Representative, MidAmerica Nazarene College, P.O. Box 1776, Olathe 66061. Term expires June 30, 1995. Reappointment.

Central Kansas Regional Library System

Shirley A. Carpenter, Route 1, Box 88, Concordia 66901. Term expires June 30, 1997. Succeeds Patricia Hanson, resigned.

Worker's Compensation Fund **Oversight Committee**

David C. Alvarado, 1817 Park Drive, Kansas City 66102. Serves at the pleasure of the Governor. Succeeds Pat Crilly, resigned.

> Bill Graves Secretary of State

Legislature

Legislative Bills Introduced

The following numbers and titles of bills and resolutions have been recently introduced by the 1994 Kansas Legislature. Copies of bills and resolutions are available free of charge from the Legislative Document Room, 145-N, State Capitol, Topeka 66612, (913) 296-4096.

Bills Introduced March 10-16:

House Bills

HB 3072, An act concerning the Kansas animal health department; relating to brand inspections at public livestock markets; amending K.S.A. 47-1011a and repealing the existing section.

HB 3073, An act concerning state governmental ethics; relating to certain conflicts of interests; imposing certain limitations and restrictions and prescribing certain procedures and penalties relating thereto; amending K.S.A. 46-215, 46-222

46-229, 46-233, 46-237, 46-242, 46-255, 46-269, 46-271, 46-276 and 46-

288 and repealing the existing sections.

HB 3074, An act concerning crimes, punishment and criminal procedure; relating to sentencing; amending K.S.A. 1993 Supp. 21-4603d, as amended by section 2 of 1994 Senate Bill No. 552, and repealing the existing section.

HB 3075, An act relating to health care for Kansans; establishing the Kansas health council and the Kansas health care purchasing cooperative; amending K.S.A. 39-708c, 75-4101, 75-6501, 75-6505, 75-6509 and 75-6510 and K.S.A. 1993 Supp. 75-6504 and repealing the existing sections; also repealing K.S.A. 75-6503 and K.S.A. 1993 Supp. 75-6502.

HB 3076, An act relating to insurance; sickness and accident plans; concerning preexisting conditions; providing for community rating; amending K.S.A. 40-2124, 40-2203, 40-2209, 40-2209d, 40-2209e, 40-2209f, 40-2215, 40-2220 and 40-2244 and repealing the existing sections; also repealing K.S.A. 40-2209g and 40-2209h.

HB 3077, An act amending and supplementing the Kansas lottery act; relating to video lottery machine games; amending K.S.A. 21-4302, 38-1602, 41-308, 74-8701, 74-8702, 74-8704, 74-8708, 74-8710, 74-8711, 74-8712, 74-8720, 74-8721 and 74-8820 and K.S.A. 1993 Supp. 74-8717, 74-8718 and 74-8719 and repealing the existing sections.

HB 3078, An act concerning the telecommunications public utilities; imposing certain requirements relating to live operators.

Senate Bills

SB 830, An act concerning the workers compensation fund; amending K.S.A. 44-566a and 44-567 and repealing the existing sections.

SB 831, An act concerning the Kansas sentencing commission; relating to membership; amending K.S.A. 74-9102 and repealing the ex-

SB 832, An act amending the dealers and manufacturers licensing act; establishing the Kansas vehicle dealer regulatory commission, and providing for the appointment, compensation, powers and duties thereof; abolishing the dealer review board; prescribing the powers and duties of the director of vehicles and division of vehicles with respect to the act; amending K.S.A. 8-2402, 8-2403, 8-2405, 8-2406, 8-2408, 8-2409, 8-2411, 8-2413, 8-2414, 8-2415, 8-2416, 8-2418, 8-2423, 8-2418, 8-2425, 8-2426 and 8-2429 and K.S.A. 1993 Supp. 8-2401, 8-2404, 8-2410, 8-2430, 8-2433, 8-2434 and 8-2435 and repealing the existing sections; also repealing K.S.A. 8-2428 and K.S.A. 1993 Supp. 8-2412.

SB 833, An act concerning the regional systems of cooperating libraries; relating to the governing bodies thereof; relating to the levy of taxes; amending K.S.A. 75-2549b, 75-2550 and 75-2551 and repealing

the existing sections.

SB 834, An act concerning the state civil service; relating to the dismissal, demotion or suspension of certain employees; amending K.S.A. 75,5505 and repealing the existing section.

Senate Concurrent Resolutions

SCR 1628, A concurrent resolution urging Congress to take immediate action to help alleviate a national crisis in crude oil production and price stability.

SCR 1629, A concurrent resolution urging the State Board of Education to adopt guidelines in providing instructions to pupils regarding human sexuality and AIDS under the quality performance accreditation process.

Senate Resolutions

SR 1822, A resolution congratulating and commending Jennie Allison Guttery on being recognized as 1994 Kansas Outstanding High School Vocational Student and current finalist for National Student of the Year.

SR 1823, A resolution congratulating and commending race car driver Ron Bolin on his outstanding career.

SR 1824, A resolution commemorating the 75th anniversary of the

founding of the American Legion. SR 1825, A resolution commemorating the 50th anniversary of the adoption of the Serviceman's Readjustment Act of 1944, known as the G.I. Bill of Rights.

Doc. No. 014592

State of Kansas

Department of Administration Division of Purchases

Notice to Bidders

Sealed bids for items hereinafter listed will be received. by the Director of Purchases, Landon State Office Building, 900 S.W. Jackson, Room 102, Topeka, until 2 p.m. on the date indicated, and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information:

Monday, April 4, 1994

30339

Kansas Correctional Industries—Denim

30344

State Treasurer's Office—Electronic pricing of collateral

98432

Department of Transportation—Aggregate, Wamego 98433

Department of Transportation-Tool boxes for pickup trucks, various locations

98434

Kansas State University—Refuse collection trucks 98478

Kansas Highway Patrol—Audio/visual video equipment

98479

Kansas State University—Audio system for hearing assistance

Tuesday, April 5, 1994

30326

Statewide—Automotive supplies

Adjutant General's Department—Refuse collection services, Leavenworth

30331

Winfield State Hospital—Natural gas services

Statewide—Training-software PC CL/services

University of Kansas Medical Center—Plain paper photocopier

98446

Department of Health and Environment—Liquid handling system

98447

Department of Revenue-Kodak Diconix printers

98448

Department of Revenue—Modems

98449

Department of Wildlife and Parks—Furnish all labor and materials to construct vault toilet, Glen Elder State Park

98450

Kansas State University—Furnish and install lift inclined platform

98451

Kansas State University—Refrigerated centrifuge

98486

Kansas State University-Milo

98494

University of Kansas—Furnish all labor and materials for roof repair

Wednesday, April 6, 1994

30327

Kansas State University—Floor care products

30332

State Self Insurance Fund—Orthopaedic medical care providers, Lawrence

30338

Kansas Highway Patrol-Police-type work jackets

98461

Kansas State University—Microscope

98467

University of Kansas—HPLC system

98468

Pittsburg State University—Furnish all labor and materials to repair boiler

98469

Department of Transportation—Furnish all labor and materials to install sign footings and posts, Johnson County

Thursday, April 7, 1994

30325

Statewide—Stock computer forms

30328

Kansas Correctional Industries—Chemicals for soap factory

98476

Department of Transportation—Asphalt rejuvenating agent, Holton

98477

Wichita State University—Forklift and scissor lift 98480

Pittsburg State University—Upgrade Northern Telecom PBX

98481

Wichita State University—Telecommunications project

98492

Kansas State University—Soybean meal

Friday, April 8, 1994

A-7249 and A-7250

Department of Transportation—Reroof sub-area shop buildings, Hoxie and Hill City

30329

Department of Transportation—Automatic levels with tripods

30346

State Historical Society—Record storage boxes with lids

Monday, April 11, 1994

30347

Larned Correctional Mental Health Facility—HVAC and generator maintenance contract

98489

University of Kansas Medical Center—Furnish and install digital dictation system

Tuesday, April 12, 1994

A-7337

University of Kansas—Parking lot improvements— Lot 59

Thursday, April 14, 1994

A-7203

Youth Center at Topeka—HVAC improvements, Administration Building

A-7204

Youth Center at Topeka—Replace windows, Administration Building

Friday, April 15, 1994

A-7160

Larned State Hospital—Diesel engine generator tune-up/load test

Monday, May 2, 1994

30337

Kansas Highway Patrol-Aircraft insurance

Request for Proposals Monday, April 11, 1994

30322

Comprehensive health-risk appraisal program for state of Kansas employees for the Department of Administration, Division of Personnel Services

Thursday, April 14, 1994

30343

Direct mail services for the Department of Commerce and Housing

Jack R. Shipman Director of Purchases

Doc. No. 014591

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University of Kansas

Notice to Bidders

Sealed bids for the items listed below will be received by the University of Kansas Purchasing Office, Lawrence, until 2 p.m. local time on the date indicated and then will be publicly opened. Interested bidders may call (913) 864-3416 or FAX (913) 864-3454 for additional information.

Monday, April 4, 1994 RFQ 94 0670 Audio-visual equipment RFO 94 0674

Automated in-vitro cell culture system

Gene Puckett, C.P.M. Director of Purchases

Doc. No. 014589

State of Kansas

Secretary of State

Notice of Corporations Forfeited

In accordance with K.S.A. 17-7510, the articles of incorporation of the following corporations organized under the laws of Kansas and the authority of the following foreign corporations authorized to do business in Kansas were forefeited February 15, 1994, for failure to timely file an annual report and pay the annual franchise tax as required by the Kansas general corporation code:

Domestic Corporations

Art Dowling, Inc., Chicago, IL. B & B of Hutchinson, Inc., Hutchinson, KS. Bachmann Jewelers, Inc., Topeka, KS. Buckeye U.S.A., Inc., Kansas City, KS. Burgess Consultants, Inc., Shawnee Mission, KS. Carbo, Inc., Olathe, KS. Cardinal Office Supply, Inc., Overland Park, KS. Carpet Gallery, Inc., Garden City, KS. Chase Manufacturing Co. Inc., Lenexa, KS. CMX, Inc., Wichita, KS. Collins Commodity Brokerage Co., Inc., Wichita, KS. D S D Inc., Smith Center, KS. Dick Fowler Homes, Inc., Shawnee Mission, KS. E & G Auto Parts, Inc., Kansas City, KS. Eaton's Men's Shop, Inc., Topeka, KS. F.M.C. of Kansas, Inc., Wichita, KS. Forest Hills Property Owners, Inc., Wichita, KS. G and G Catering Corporation, Wichita, KS. Georgia Associates, Inc., Kansas City, KS. Glad Ranch, Inc., Johnson, KS. Harold T. McCubbin, Chartered, Denver, CO. Haun, Inc., Wichita, KS. Hiatt Grain and Feed, Inc., Munden, KS. International Trade Council of Mid-America, Inc., Manhattan, KS. K-Bowl, Inc., Kingman, KS. KGRA, Inc., Wichita, KS. Lifestyle Patio and Fireplace Shops, Inc., Shawnee, KS.

Lindsborg Business and Professional Women's Club, Inc., Lindsborg, KS. M & V Floor Covering, Inc., Hays, KS. M.G.M. Foods, Inc., Wichita, KS. Miracles, Inc. (known as) Miracles House, Wichita, KS. N & R, Inc., Wichita, KS. Nereidas Co., Kansas City, KS. Omega Enterprises, Inc., Bellevue, WA. Plus Heat, Corp., Pittsburg, KS. Poured-Rite, Inc., Olathe, KS. Prairie Pilot Club of Wichita, Wichita, KS. S.C. Christensen, D.D.S., P.A., Concordia, KS. Sedgwick County Citizens for Recycling, Inc., Wichita, KS. Skaptason Enterprises, Inc., Leawood, KS. Sport Cache Bait and Tackle, Inc., Baldwin City, KS. SSG Motors, Inc., Kansas City, KS. Steve-Co, Wichita, KS. Summa Development Corporation, Kansas City, KS. Tan Fix-Up Service, Inc., Topeka, KS. The Westchester Company, Overland Park, KS. Tim's Daylight Donuts, Inc., Bonner Springs, KS. Topeka Income Tax Service, Inc., Topeka, KS. Weather-Teck Corporation, Wichita, KS. WENTM Enterprises, Inc., Beloit, KS. Westchester Homes Association, Inc., Lenexa, KS. XPRT Computing Corp., Lawrence, KS.

Foreign Corporations

Architectural Millwork, Inc., Arlington, TX. Big & Tall Shoppes of America, Inc., Brockton, MA. Cherokee Advertising Co., Kansas City, MO. College of St. Francis, Joliet, IL. Contract Lodging Corporation, Eden Prairie, MN. Finders Keepers II., Inc., Joplin, MO. Hunkeler Eye Clinic, P.C., Kansas City, MO. Ingredient Distributors, Inc., Minneapolis, MN. Irvin H. Whitehouse & Sons Company, Louisville, KY. KG Retail Stores Inc., Denver, CO. Magna Shoes, Ltd., Seattle, WA. Michael's Construction Company, Inc., Kansas City, KS. Multacc Corporations, Torrance, CA. Pamco Investments Corp., Littleton, CO. Reliable Drug Stores, Inc., Indianapolis, IN. SHL Management, Inc., Dallas, TX. The Children's Place Retail Stores, Inc., Pine Brook, NI. The Rocky Mountain District of the Wesleyan Holiness Association of Churches, Inc., Council Bluffs, IA. Tri-State Investment Company, Chicago, IL. Tri-State Osteopathic Hospital Association, Joplin, MO. Two R's Development, Inc., Overland Park, KS.

> Bill Graves Secretary of State

(Published in the Kansas Register, March 24, 1994.)

NOTICE OF REDEMPTION

City of Kansas City, Kansas Single Family Mortgage Revenue Bonds 1980 Series A

Notice is hereby given by Security Bank of Kansas City, One Security Plaza, Kansas City, Kansas 66101, (the "Trustee") that, pursuant to Section 3.01 of the Trust Indenture of The City of Kansas City, Kansas, Single Family Mortgage Revenue Bonds, 1980 Series A, that a total of \$945,000 principal amount of the Bonds is being called for redemption on May 1, 1994 at the redemption price of 100 percent of the principal amount plus accrued interest thereon to the redemption date. This Notice was first published on Thursday, March 24, 1994 in the Kansas Register and The Bond Buyer.

The serial numbers of the Bonds to be redeemed are as follows: (NOTE: Coupons due May 1, 1994 should be presented in the normal manner. Coupons due November 1, 1994 and all subsequent coupons must be attached to bonds called for redemption.)

CUSIP No. 484770 BL5, Due 05/01/2012 (\$5,000 each)

					<u> </u>	,,,,,,,		* * * * * * * * * * * * * * * * * * * *		
2293	2411	2717	2778	2830	3135	3290	3357	3376	3469	3480
4075	4186	4247	4282	4338	4348	4690	4713	5347	5351	6352
6378	6383	6954	7530					1710		

В	leaistere	d Bond:	s called in	the amount indica	ted below
R190	\$5,000	R281	\$5,000	R306 \$5,000	R361 \$5,000
R372	5,000	R376	5,000	R448 10,000	R564 15,000
R580	5.000	R601	585 000	B606 5 000	The second of th

CUSIP No. 484770 BM3, Due 05/01/1995 (\$5,000 each)
Registered Bonds called in the amount indicated below
R607......\$25,000

CUSIP No. 484770 BN1, Due 05/01/1996 (\$5,000 each)

Bearer Bonds
1241 1244 1291 1310 1346 1353

CUSIP No. 484770 BP6, Due 05/01/1999 (\$5,000 each)

Bearer Bonds 1460 1685 1722 1760 1969 1976

<u>Registered Bonds called in the amount indicated below</u>
R140...... \$5,000 R296..... \$5,000 R300...... \$5,000 R573 \$10,000
R608...... 55,000

INSTRUCTIONS

 Send your bond by registered or certified mail, return receipt requested or present it to:

> Security Bank of Kansas City Corporate Trust Division One Security Plaza Kansas City, Kansas 66101 Attn: Bond Redemption Desk

- 2. Pursuant to the terms of the Internal Revenue Code, the paying agents making payments of interest or principal on corporate securities or making payments of principal on municipal securities may be obligated to withhold a 31% tax from remittances to individuals who have failed to furnish the paying agent with a valid Taxpayer Identification Number.
- 3. The CUSIP Number is included solely for the convenience of the Bondholders. Neither the Issuer nor the Paying Agent shall be responsible for the selection or the use of the CUSIP Number, nor is any representation made as to its correctness on the securities or as indicated in any redemption notice.

 Interest on the bonds herein called for redemption shall cease to accrue on and after May 1, 1994.

> Security Bank of Kansas City Corporate Trust Division

Doc. No. 014600

(Published in the Kansas Register, March 24, 1994.)

Kansas City, Kansas Community College District

Notice of Intent to Issue Revenue Bonds

You are hereby notified that the Board of Trustees of Kansas City, Kansas Community College District, Wyandotte County, Kansas, duly adopted a resolution on March 11, 1994, declaring it necessary to and authorizing the district to acquire, construct, furnish and equip a building on the campus located in the city of Kansas City, Kansas, to be used as a student center (the project), at a total cost of \$5,000,000, under the authority of K.S.A. 76-6a12 to 76-6a25, inclusive, as amended and supplementing (the act).

You are hereby further notified that said resolution of the Board of Trustees of the district declares it necessary to and authorize the issuance and sale of revenue bonds of the district in an amount not to exceed \$5,000,000, in order to pay the costs of the project, including costs of financing

You are hereby further notified that unless an action to contest the legality of the proposed revenue bonds of the district shall be filed in a court of law within 30 days of the date of publication of this notice, the right to contest the legality of any revenue bonds issued in compliance with the aforesaid resolution and other proceedings duly and legally had and taken by said Board of Trustees prior to the date of publication of this notice, and the right to contest the validity of the provisions of such proceedings, shall cease to exist, and no court shall thereafter have the authority to inquire into such matters. After the expiration of said 30 days from the date of publication of this notice, no one shall have any right to commence an action contesting the validity of such revenue bonds or the provisions of such proceedings of the Board of Trustees, and all such revenue bonds shall be conclusively presumed to be legal and no court shall thereafter have the authority to inquire into such mat-

AND THE PROPERTY.

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812 JAN WORK 1118

Dated March 11, 1994.

Board of Trustees Kansas City, Kansas Community College District Wyandotte County, Kansas By Donald R. Evans, Chairman Attest: Thomas R. Burke, Secretary

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State Banking Board

Notice of Meeting

The State Banking Board will meet at 9 a.m. Monday, April 25, in the conference room of the Office of the State Bank Commissioner, Suite 300, Jayhawk Tower, 700 S.W. Jackson, Topeka. The board reviews matters relating to its supervisory authority set forth in K.S.A. 9-1801 et seq.

Frank D. Dunnick State Bank Commissioner

Doc. No. 014585

(Published in the Kansas Register, March 24, 1994.)

Notice of Bond Sale \$837,000 City of Leavenworth, Kansas General Obligation Bonds Series 1994A

Sealed Bids

Sealed bids for the purchase of \$837,000 principal amount of General Obligation Bonds, Series 1994A, of the city hereinafter described, will be received by the undersigned, city clerk of the city of Leavenworth, Kansas, on behalf of the governing body of the city at City Hall, 100 N. 5th, Leavenworth, Kansas, until 10 a.m. C.D.T. on Tuesday, April 5, 1994. All bids will be publicly opened and read at said time and place and will be acted upon by the city at 7 p.m. on said day at City Hall. No oral or auction bids will be considered.

Bond Details

The bonds will consist of fully registered bonds without coupons in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated May 1, 1994, and will become due serially on September 1 in the years as follows:

Year	Principal Amount
1995	\$82,000
1996	80,000
1997	80,000
1998	85,000
1999	85,000
2000	85,000
2001	85,000
2002	85,000
2003	85,000
2004	85,000

The bonds will bear interest at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning on March 1, 1995.

Place of Payment and Bond Registration

The principal of and interest on the bonds will be payable in lawful money of the United States of America by check or draft of the Kansas State Treasurer, Topeka, Kansas (the paying agent and bond registrar). The principal of the bonds will be payable at maturity or upon earlier redemption to the registered owners upon pres-

entation and surrender of the bonds at the office of the paying agent. Interest on the bonds will be paid by check or draft mailed by the paying agent to the persons in whose names the bonds are registered on the registration books maintained by the bond registrar at the close of business on the record date for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding such interest payment date.

The city will pay for the fees of the bond registrar for registration and transfer of the bonds and will also pay for printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the bond registrar, will be the responsibility of the bond-holders.

Redemption of Bonds Prior to Maturity

At the option of the city, bonds maturing on September 1, 1999, and thereafter will be subject to redemption and payment prior to maturity on September 1, 1998, and thereafter in whole on any date or in part on any interest payment date (bonds of less than a single maturity to be selected by lot in multiples of \$5,000 principal amount by the paying agent and bond registrar in such equitable manner as it shall designate), at the principal amount thereof, plus accrued interest to the redemption date, without premium.

Whenever the city is to select the bonds for the purpose of redemption, it shall, in the case of bonds in denominations greater than \$5,000, if less than all of the bonds then outstanding are to be called for redemption, treat each \$5,000 of face value of each such fully registered bond as though it were a separate bond of the

denomination of \$5,000.

If the city shall elect to call any bond for redemption and payment prior to the maturity thereof, the city shall give written notice of its intention to redeem and pay said bonds on a specified date, the same being described by number and maturity, said notice to be mailed by United States certified mail to the paying agent and bond registrar, and to the manager or managers of the underwriting account making the successful bid, each of said notices to be mailed at least 30 days prior to the redemption date. Thereafter, the paying agent and bond registrar will notify the owners of the bonds of the city's redemption call by United States mail, postage prepaid. If any bond be called for redemption and payment as aforesaid, all interest on such bond shall cease from and after the date for which such call is made, provided funds are available for its payment at the price hereinbefore specified.

Conditions of Bids

Proposals will be received on the bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be a multiple of ¹/₈ or ¹/₂₀ of 1 percent. No interest rate shall exceed the index of treasury bonds published by *The Bond Buyer*, in New York, New York, on the Monday next preceding the day on which the bonds are sold, plus 2 percent. The difference between the highest rate specified and the lowest rate

specified shall not exceed 2 percent. No supplemental interest payments will be authorized. No bid of less than the principal amount of the bonds and accrued interest will be considered. Each bid shall specify the total interest cost to the city during the life of the bond issue on the basis of such bid, the premium, if any, offered by the bidder, and the net interest cost to the city on the basis of such bid. Each bid shall also specify the average annual net interest rate to the city on the basis of such bid. Bidders shall specify in the bid form the prices (exclusive of accrued interest), expressed as a dollar price, at which the bidder intends that each maturity amount of the bonds shall be initially offered to the public (the initial reoffering prices).

Basis of Award

The award of the bonds will be made on the basis of the lowest net interest cost to the city, which will be determined by subtracting the amount of the premium bid, if any, from the total interest cost to the city. If there is any discrepancy between the net interest cost and the average annual net interest rate specified, the specified net interest cost shall govern and the interest rates specified in the bid shall be adjusted accordingly. If two or more proper bids providing for identical amounts for the lowest net interest cost are received, the city shall determine which bid, if any, shall be accepted, and its determination shall be final.

Security for the Bonds

The bonds will be general obligations of the city payable as to both principal and interest from ad valorem taxes which may be levied without limitation upon all the taxable tangible property, real and personal, within the territorial limits of the city.

Internal Revenue Code of 1986

The Internal Revenue Code of 1986 imposes requirements on the city which must be met subsequent to the issuance of the bonds by the city and, as a result, the city will and does hereby convenant that it will diligently undertake those steps necessary to maintain the tax-exempt status of the bonds. The city's failure to comply with such requirements could adversely affect the tax-exempt status of the bonds. Purchasers of the bonds should be aware that should the bonds lose their status as tax-exempt obligations as a result of the city's failure to comply with such requirements, the bonds are neither callable nor will the rate of interest on the bonds be adjusted to reflect such circumstances.

The code includes interest on tax-exempt obligations, such as the bonds, in the adjusted current earnings of certain corporations in the calculation of alternative minimum taxable income, with certain other adjustments. Furthermore, Section 59A of the code, as added by the Superfund Amendments and Reauthorization Act of 1986, provides for an environmental tax generally based on corporate alternative minimum taxable income. The amount of the tax is equal to 0.12 percent of the excess of alternative minimum taxable income, without regard to net operating losses and the deduction for this tax, over \$2 million. The environmental tax is imposed whether or not the taxpayer is subject to the alternative minimum tax. The environmental tax may subject cer-

tain bondowners to additional taxation for interest earned on the bonds.

The code also requires property and casualty insurance companies to reduce the amount of their deductible underwriting losses by a percentage of the amount of tax-exempt interest received or accrued on such obligations. With the exception of certain "qualified tax-exempt obligations," the code provides that banks and thrift institutions may not deduct any portion of the interest cost of purchasing or carrying tax-exempt obligations such as the bonds. The city does intend to designate the bonds as "qualified tax-exempt obligations" under Section 265 of the code.

Legal Opinion

The bonds will be sold subject to the legal opinion of Nichols and Wolfe Chartered, Topeka, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the city, printed on the bonds and delivered to the successful bidder when the bonds are delivered. Said opinion will also state that in the opinion of bond counsel, assuming continued compliance by the city with the provisions of the ordinance authorizing the issuance of the bonds and the code, under existing law, the interest on the bonds is excludable from gross income for federal income tax purposes. Interest on the bonds may also be excludable from the computation of Kansas adjusted gross income.

Delivery and Payment

The city will pay for printing the bonds and will deliver the bonds, without cost to the successful bidder, properly prepared, executed and registered, on or about May 18, 1994, at such bank or trust company in the state of Kansas or greater Kansas City, Missouri, metropolitan area as may be specified by the successful bidder. Delivery elsewhere will be at the bidder's expense. Said bidder will also be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the bonds and the usual closing documents, including a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity and a certificate regarding the completeness and accuracy of the official statement. Payment for the bonds shall be made in Federal Reserve funds, immediately subject to use by the city. The denominations of the bonds and the names, addresses and social security or taxpayer identification numbers of the registered owners shall be submitted in writing by the successful bidder to the city and bond registrar not later than 3 p.m. C.D.T. on April 20, 1994. In the absence of such information, the city will deliver bonds in the denomination of each maturity registered in the name of the successful bidder.

The successful bidder shall furnish the city by 3 p.m. C.D.T. on April 20, 1994, a certificate acceptable to the city's bond counsel to the effect that (i) the successful bidder has made a bona fide public offering of the bonds at the initial reoffering prices, and (ii) a substantial amount of the bonds was sold to the public (excluding brokers and other intermediaries) at such initial reoffering prices. Such certificate shall state that (1) it is made on the best knowledge, information and belief of

(continued)

the successful bidder, and (2) 10 percent of more in par amount of the bonds of each maturity was sold to the public at or below the initial reoffering prices (such amount being sufficient to establish the sale of a "substantial amount" of the bonds).

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$16,740, payable to the order of the city to secure the city from any loss resulting from the failure of the bidder to comply with the terms of the bid. No interest will be paid upon the deposit made by the successful bidder. Said check shall be returned to the bidder if the bid is not accepted. If a bid is accepted, said check shall be held by the city until the bidder shall have complied with all of the terms and conditions of this notice, at which time said check shall, at the option of the city, be returned to the successful bidder or deducted from the purchase price. If a bid is accepted but the city shall fail to deliver the bonds to the bidder in accordance with the terms and conditions of this notice, said check shall be returned to the bidder. If a bid is accepted but the bidder shall default in the performance of any of the terms and conditions of this notice, the proceeds of such check shall be forfeited to the city, and the city reserves the right to pursue any consequential damages as a result of such default.

CUSIP Numbers

CUSIP identification numbers will be printed on the bonds, but neither the failure to print such number on any bond nor any error with respect thereto shall constitute cause for failure or refusal by the purchaser thereof to accept delivery of and pay for the bonds in accordance with the terms of this notice. All expenses in relation to the assignment and printing of CUSIP numbers on the bonds will be paid by the city.

Bond Ratings

The outstanding general obligation bonds of the city are rated "A1" by Moody's Investor Service, and the city has applied for rating on the bonds herein offered for sale.

Bid Forms

All bids must be made on forms which may be procured from the city clerk. No additions or alterations in such forms shall be made and any erasures may cause rejection of any bid. The city reserves the right to waive irregularities and to reject any or all bids.

Submission of Bids

Bids must be submitted in sealed envelopes addressed to the undersigned city clerk and marked "Proposal for the Purchase of General Obligation Bonds." Bids may be submitted by mail or delivered in person to the undersigned at City Hall and must be received by the undersigned prior to 10 a.m. C.D.T. on Tuesday, April 5, 1994.

Date and Delivery of Preliminary and Final Official Statement

The city has authorized the preparation and disbursement of a preliminary official statement containing information relating to the bonds. The preliminary official statement comprises the final official statement required by Rule 15c12-12 of the Securities and Exchange Commission.

The preliminary official statement, when amended to include the interest rates specified by the purchaser and the price or yield at which the purchaser will re-offer the bonds to the public, together with any other information required by law, will constitute a "Final Official Statement" with respect to the bonds as that term is defined in Rule 15c12-12. No more than seven business days after the date of the sale, the city will provide without cost to the purchaser a reasonable number of printed copies of the final official statement and further copies, if desired, will be made available at the purchaser's expense. If the sale of the bonds is awarded to a syndicate, the city will designate the senior managing purchaser of the syndicate as its agent for purposes of distributing copies of the final official statement to each participating purchaser. Any purchaser executing and delivering a bid form with respect to the bonds agrees thereby that if the bid is accepted it shall accept such designation and shall enter into a contractual relationship with all participating purchasers for the purpose of assuring the receipt and distribution by each such participating purchaser of the final official statement.

The city will deliver to the purchaser on the date of delivery of the bonds a certificate executed by the mayor and the city clerk to the effect that the final official statement, as of the date of delivery of the bonds, does not contain any untrue statement of a material fact or omit to state a material fact necessary to make the statements made, in the light of the circumstances in which they are made, not misleading.

Copies of the city's preliminary official statement relating to the bonds may be obtained from the city clerk.

Assessed Valuation and Indebtedness

The total assessed valuation of the taxable tangible property within the city for the year 1993 is \$118,161,392. The total general obligation bonded indebtedness of the city as of the date of the bonds, including the bonds, is \$13,999,019.25, including, as of the date of the bonds, temporary notes outstanding in the principal amount of \$3,092,019.25, of which \$937,230 will be retired out of the proceeds of the bonds herein offered for sale and other lawfully available funds of the city.

Dated March 17, 1994.

City of Leavenworth, Kansas Carol Sadler City Clerk City Hall 100 N. 5th Leavenworth, KS 66048 (913) 682-9201

Department of Health and Environment

Notice of Proposed Permit Action

The Secretary of Health and Environment is proposing to issue an air emission source construction/conditional operating permit in accordance with K.A.R. 28-19-14 (permits required) to Cornejo and Sons, Inc., Wichita, to install and operate a portable ready mix concrete plant to be initially located at 3050 S. Madison, Wichita.

Written materials, including the permit application and information relating to the application submitted by Cornejo and the draft permit, are available for public inspection during normal business hours through April 25 by contacting David Butler, Air Quality District Representative, Southcentral KDHE Office, 1919 N. Amidon, Wichita, (316) 838-1071. This material also can be reviewed at the KDHE office in Building 283, Forbes Field, Topeka. Questions concerning this proposed permit should be directed to L. C. Hinther, KDHE, (913) 296-1576.

K.S.A. 65-3008 provides that any person affected by the issuance of a permit can request a public hearing prior to the permit's issuance. The request must be in writing and addressed to the secretary. If the secretary determines there is sufficient reason in the request, a public hearing will be conducted—the place, date and time of the hearing will be announced in this publication. A request for a hearing or written comments on the proposed permit must be submitted to the Secretary, Kansas Department of Health and Environment, Landon State Office Building, 900 S.W. Jackson, Topeka 66612, before April 25.

Robert C. Harder Secretary of Health and Environment

Doc. No. 014596

State of Kansas

Department of Health and Environment

Notice of Proposed Permit Action

The Secretary of Health and Environment is proposing to issue an air emission source construction/conditional operating permit in accordance with K.A.R. 28-19-14 (permits required) to Plenert Construction Co., Inc., Canton, to install and operate a portable ready mix concrete plant to be initially located at County Road 319, Mc-Pherson.

Written materials, including the permit application and information relating to the application submitted by Plenert and the draft permit, are available for public inspection during normal business hours through April 25 by contacting Peter Denning, Air Quality District Representative, Northcentral KDHE Office, 2501 Market, Salina, (913) 827-9639. This material also can be reviewed at the KDHE office in Building 283, Forbes Field, Topeka. Questions concerning this proposed permit should be directed to L. C. Hinther, KDHE, (913) 296-1576.

K.S.A. 65-3008 provides that any person affected by the issuance of a permit can request a public hearing prior to the permit's issuance. The request must be in writing and addressed to the secretary. If the secretary determines there is sufficient reason in the request, a public hearing will be conducted—the place, date and time of the hearing will be announced in this publication. A request for a hearing or written comments on the proposed permit must be submitted to the Secretary, Kansas Department of Health and Environment, Landon State Office Building, 900 S.W. Jackson, Topeka 66612, before April 25.

Robert C. Harder Secretary of Health and Environment

Doc. No. 014597

State of Kansas

Department of Health and Environment

Notice of Proposed Permit Action

The Secretary of Health and Environment is proposing to issue an air emission source construction permit in accordance with K.A.R. 28-19-14 (permits required) to Bagcraft Corporation of America to install and operate a printing plant which will use water-base inks at 100

Bagcraft Blvd., Baxter Springs.

Written materials, including the permit application and information relating to the application submitted by Bagcraft Corporation, draft permit, permit summary and analysis by KDHE describing the basis for the proposed permit, are available for public inspection during normal business hours through April 25 by contacting Lynn Ranabargar, KDHE, \$1500 W. 7th, Chanute, (316) 431-2390. This material also can be reviewed at the KDHE office in Building 283, Forbes Field, Topeka. Questions concerning this proposed permit should be directed to Eugene Sallee, KDHE, (913) 296-1575.

K.S.A. 65-3008 provides that any person affected by the issuance of a permit can request a public hearing prior to the permit's issuance. The request must be in writing and addressed to the secretary. If the secretary determines there is sufficient reason in the request, a public hearing will be conducted—the place, date and time of the hearing will be announced in this publication. A request for a hearing or written comments on the proposed permit must be submitted to the Secretary, Kansas Department of Health and Environment, Landon State Office Building, 900 S.W. Jackson, Topeka 66612, before April 25.

Robert C. Harder Secretary of Health and Environment

Department of Health and Environment

Notice Concerning Kansas Water Pollution Control Permits

In accordance with state regulations 28-16-57 through 63, 28-18-1 through 4, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, tentative permits have been prepared for discharges to the waters of the United States and the state of Kansas for applicants described below. The tentative determinations for permit content are based on preliminary staff review, applying the appropriate standards, regulations, and effluent limitations of the state of Kansas and the EPA, and when issued will result in a state water pollution control permit and national pollutant discharge elimination system authorization to discharge subject to certain effluent limitations and special conditions.

Public Notice No. KS-94-14/17

Waterway

Neosho River

Name and Address of Applicant City of Burlington-New Plant City Hall 220 Hudson St. Bürlington, KS 66839

Coffey County, Kansas

Kansas Permit No. M-NE07-0002

Fed. Permit No. KS-0090417

Type of

Discharge

Secondary

wastewater

treatment facility

Description of Facility: This facility is designed for the treatment of domestic sewage. This is a new facility. Proposed effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are technology based.

Waterway

Indian Creek

Name and Address of Applicant Jo. Co. Unified WW **Districts** Indian Creek M.S.D. No. 1 (a/k/a Lower Basin or Tomahawk) 10881 Lowell, Suite 100 Overland Park, KS 66210 Johnson County, Kansas

Kansas Permit No. M-M027-0001

Fed. Permit No. KS-0055484

Type of

Discharge

Secondary

wastewater

treatment facility

Description of Facility: This facility is designed for the treatment of domestic sewage. This is a modified permit. The previous permit contained two slightly different limitation schedules. The old schedule has been removed in the proposed permit. Additionally, the proposed permit is updated by adding recommended minimum detection limits for the quarterly effluent metals analyses, new sludge disposal language, updated whole effluent toxicity language and removal of certain biomonitoring parameters normally not found in urban generated wastewater.

Name and Address of Applicant Lubrication Engineers, Inc. Potwin Refinery and Tank Farm Potwin, KS P.O. Box 7128 Fort Worth, TX 76111 Butler County, Kansas

on-site lagoon

Type of Waterway Discharge Walnut River via Groundwater White River via remediation from Brush Creek via on-site air stripper

Kansas Permit No. I-WA12-P001 Fed. Permit No. KS-0085901

Description of Facility: This facility is the old Vickers Refinery. The facility is currently used for storage of refined mineral oils. This facility is engaged in a groundwater remediation project. An air stripping tower is utilized to treat hydrocarbon-contaminated groundwater prior to discharging to lagoon #1 which overflows to Brush Creek. This is an existing facility and the previous limitations have been modified. Proposed effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria.

Name and Address Type of Discharge of Applicant Waterway City of Mulberry Unnamed tributary Secondary 722 Military to a slough area wastewater Mulberry, KS 66756 treatment facility

Crawford County, Kansas

Fed. Permit No. KS-0087467 Kansas Permit No. M-MC27-0001

Description of Facility: This facility is designed for the treatment of domestic sewage. This is a new facility. Proposed effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are tech-

Public Notice No. KS-AG-94-17

Receiving Name and Address Legal of Applicant Description Water Cowtown Feeders, Inc. SW/4, Sec. 34, Upper Arkansas P.O. Box 1088 T23S, R41W, River Basin Syracuse, KS 67878 Hamilton County

Kansas Permit No. A-UAHM-C004 Fed. Permit No. KS-0118419

The feedlot has capacity for approximately 11,500 cattle with expansion planned for an additional 16,300 cattle and a contributing drainage area of approximately 235 acres. This is an expansion of an existing

Runoff Control Facilities: Feedlot runoff is impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of 113.5 acre-foot.

Compliance Schedule: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas for application of all wastes. Detailed guidance and requirements will be provided by the department. A plant shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Written comments on the proposed determinations may be submitted to Bethel Spotts, Permit Clerk, or Dorothy Geisler (agricultural permits), Kansas Department of Health and Environment, Division of Environment, Bureau of Water, Forbes Field, Topeka 66620. All comments postmarked or received on or before April 23 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number (KS-94-14/17, KS-AG-94-17) and the name of applicant as listed when preparing com-

If no objections are received during the public notice period, the Secretary of Health and Environment will issue the final determinations. If response to this notice indicates significant public interest, a public hearing may be held in conformance with state regulation 28-16-61. Media coordination (newspapers, radio) for publication and/or announcement of the public notice or public hearing is handled by the Kansas Department of Health and Environment.

The application, proposed permit, including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received, and other information

are on file and may be inspected at the Kansas Department of Health and Environment offices, Building 740, Forbes Field, Topeka, from 8 a.m. to 4:30 p.m. Monday through Friday. The documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the Division of Environment.

Robert C. Harder Secretary of Health and Environment

Doc. No. 014595

State of Kansas

Board of Nursing

Permanent Administrative Regulations

Article 3.—REQUIREMENTS FOR LICENSURE AND STANDARDS OF PRACTICE

60-3-104. (Authorized by K.S.A. 65-1113 et seq., K.S.A. 1974 Supp. 74-1106 et seq.; effective Jan. 1, 1966; amended May 1, 1975; revoked May 9, 1994.)

60-3-105. Reinstatement of license. (a) Any applicant whose Kansas license has lapsed may, within five years of its expiration date, reinstate that license by submitting satisfactory proof that the applicant has:

-(1) obtained 30 contact hours of approved continuing nursing education within the preceding two-year period;

or

- (2) been licensed in another jurisdiction, and while licensed in that jurisdiction, has accumulated 1000 hours of nursing practice within the preceding two-year period
- (b) Any applicant whose Kansas license has lapsed for more than five years beyond its expiration date may reinstate the license by submitting evidence of:

(1) licensure in another jurisdiction, and while licensed in that jurisdiction, 1000 hours of nursing practice

within the preceding two-year period;

- (2) current licensure in another jurisdiction which requires at least an equivalent number of contact hours of continuing nursing education for license renewal as in Kansas;
- (3) licensure in another jurisdiction, and while licensed in that jurisdiction:
- (A) a total of 1000 hours of nursing practice within the preceding five year period; and

(B) 30 contact hours of approved continuing nursing education within the preceding two-year period; or

- (4) satisfactory completion of a refresher course approved by the board. (Authorized by K.S.A. 65-1129 and K.S.A. 65-1117, as amended by L. 1993, Ch. 194, § 11; implementing K.S.A. 65-1117, as amended by L. 1993, Ch. 194, § 11; effective Feb. 15, 1977; amended May 1, 1987; amended Sept. 2, 1991; amended May 9, 1994.)
- **60-3-106.** Licensure qualifications. Any individual applying for licensure in Kansas for whom English is a second language shall be granted a license if that individual meets all of the requirements in effect at the time

of application, and shows evidence of oral and written English proficiency, which may be demonstrated by passing an examination as approved by the board. (Authorized by K.S.A. 65-1129 and implementing K.S.A. 1993 Supp. 65-1115 and 65-1116; effective Feb. 15, 1977; amended Sept. 2, 1991; amended May 9, 1994.)

60-3-106a. Temporary permit. (a) A temporary permit to practice as a registered professional or licensed practical nurse for a period not to exceed 90 days may be issued to an applicant:

(1) for reinstatement of a license to enable the applicant to complete continuing education requirements;

(2) for licensure to enable the board to verify licensure requirements; or

(3) who demonstrates a need for a temporary permit due to extenuating or unusual circumstances.

(b) The 90-day temporary permit may be renewed for an additional 30 days. (Authorized by and implementing K.S.A. 65-1115, as amended by L. 1993, Ch. 194, § 9 and K.S.A. 65-1116, as amended by L. 1993, Ch. 194, § 10; effective May 9, 1994.)

Article 4.—FEES

60-4-101. Payment of fees. The following fees shall be charged by the board of nursing: (a) Fees for professional nurses.

(1) Application for license by endorsement to Kansas	\$70.00
(2) Application for license by examination	70.00
(3) Biennial renewal of license	40.00
(4) Application for reinstatement of license without	
temporary permit	50.00
(5) Application for reinstatement of license with tempo	
permit	
(6) Certified copy of Kansas license	
(7) Inactive license	
(8) Verification of licensure	
(b) Fees for practical nurses.	
(1) Application for license by endorsement to Kansas	45.00
(2) Application for license by examination	
(3) Biennial renewal of license	40.00
(4) Application for reinstatement of license without	
temporary permit	45.00
(5) Application for reinstatement of license with tempor	
permit	55.00
(6) Certified copy of Kansas license	
(7) Inactive license	
(8) Verification of licensure	7777
(6) Verification of incensure	20.00

(Authorized by K.S.A. 65-1129; implementing K.S.A. 65-1118, as amended by L. 1993, Ch. 194, § 12; effective Jan. 1, 1966; amended Jan. 1, 1972; amended, E-74-29, July 1, 1974; modified, L. 1975, Ch. 302, Sec. 5, May 1, 1975; amended, E-77-8, March 19, 1976; amended Feb. 15, 1977; amended, E-79-8, March 16, 1978; amended May 1, 1979; amended May 1, 1980; amended May 1, 1983; amended March 9, 1992; amended May 17, 1993; amended May 9, 1994.)

60-4-103. Fees and travel expenses for school accreditation and approval of continuing education providers. (a) The fees for school accreditation and approval of continuing nursing education providers shall be:

(1) Application for accreditation—schools of nursing \$700.00
(2) Annual renewal of accreditation—schools of

(continued)

(3)	Application for approval of continuing nursing education providers	200.00
(4)	Annual renewal for continuing nursing education providers	50.00
(5	Approval of single continuing nursing education offerings	50.00
(6) (7	Consultation by request, per day on site	300.00
(8)	idership approval pursuant to K.A.R. 60-9-107(r)	100.00
, <u>, , , , , , , , , , , , , , , , , , </u>	idership approved pursuant to K.A.R. 60-9-107(r)	25.00

(b) All fees prescribed in subsection (a) shall be pay-

able at the time of application.

(c) The person, firm, corporation or institution requesting the board's consultation services shall pay the consultants' travel expenses. (Authorized by K.S.A. 65-1129; implementing K.S.A. 65-1118a, as amended by L. 1993, Ch. 194, § 13; effective, E-82-18, Sept. 30, 1981; effective May 1, 1982; amended Sept. 14, 1992; amended May 17, 1993; amended May 9, 1994.)

Article 7.—REQUIREMENTS FOR LICENSURE AND STANDARDS OF PRACTICE

60-7-104. Reinstatement of license. (a) Any applicant whose Kansas license has lapsed may reinstate the license by submitting satisfactory proof that the applicant within the preceding two-year period has:

(1) obtained 30 hours of approved continuing edu-

cation; or

(2) been licensed in another jurisdiction, and while licensed in that jurisdiction, has accumulated 1000 hours

of mental health technician practice.

(b) For any applicant whose license has lapsed, a one-time, temporary permit to practice for 60 days may be requested and issued while the applicant completes the required continuing education hours. (Authorized by K.S.A. 65-4203, as amended by L. 1993, Ch. 194, § 17; implementing K.S.A. 65-4205, as amended by L. 1993, Ch. 194, § 18; effective May 1, 1975; amended May 9, 1994.)

Article 8.—FEES

60-8-101. Payment of fees. The following fees shall be charged by the board of nursing. (a) Mental health technician programs.

(1) Annual renewal of program approval	\$100.00
(2) Survey of a new program	200.00
(3) Application for approval of continuing	
education providers	200.00
(4) Annual renewal for continuing education	
providers	50.00
(b) Mental health technicians.	
(1) Licensure by endorsement	45.00
(2) Application for licensure	45.00
(3) Examination	20.00
(4) Biennial renewal of license	30.00
(5) Application for reinstatement of license	
without temporary permit	35.00
(6) Application for reinstatement of license	21
with temporary permit	45.00
(7) Certified copy of Kansas license	12.00
(8) Inactive license	10.00
(9) Verification of licensure	10.00

(Authorized by K.S.A. 65-4203, as amended by L. 1993, Ch. 194, § 17; implementing K.S.A. 65-4208, and K.S.A. 65-4207; effective May 1, 1980; amended May 1, 1983;

amended, T-85-49, Dec. 19, 1984; amended May 1, 1985; amended June 3, 1991; amended May 17, 1993; amended May 9, 1994.)

Article 11.—ADVANCED REGISTERED NURSE PRACTITIONERS

60-11-113. Certificate renewal. Advanced registered nurse practitioner certifications shall be renewed on the same biennial cycle as the registered professional nurse licensure renewal, as set out in K.A.R. 60-3-107. (Authorized by K.S.A. 65-1117, as amended by L. 1993, Ch. 194, § 11 and K.S.A. 65-1129; implementing K.S.A. 65-1117, as amended by L. 1993, Ch. 194, § 11 and K.S.A. 65-1132, as amended by L. 1993, Ch. 194, § 14; effective Sept. 2, 1991; amended May 9, 1994.)

Article 13.—FEES; REGISTERED NURSE ANESTHETIST

60-13-110. Reinstatement of authorization. (a) Any applicant whose Kansas authorization has lapsed may, within five years of its expiration date, reinstate the authorization by submitting satisfactory proof that the applicant has:

(1) obtained 30 hours of approved continuing nursing education related to nurse anesthesia within the preced-

ing two-year period; or

(2) been authorized in another jurisdiction, and while authorized in that jurisdiction, has accumulated 1000 hours of nurse anesthesia practice within the preceding two-year period.

(b) Any applicant whose Kansas authorization has been lapsed for more than five years beyond its expiration date may reinstate the authorization by submit-

ting evidence of:

(1) 1000 hours of nurse anesthesia practice in another jurisdiction within the preceding two-year period;

(2) current authorization in another jurisdiction which requires at least an equivalent number of contact hours of continuing nursing education for authorization renewal as in Kansas;

(3) a total of 1000 hours of nurse anesthesia practice in another jurisdiction within the preceding five year period and 30 hours of approved continuing nursing education related to nurse anesthesia within the preceding two-year period; or

(4) satisfactory completion of a refresher course approved by the board. (Authorized by K.S.A. 65-1164; implementing K.S.A. 65-1155, as amended by L. 1993, Ch. 194, § 16; effective Sept. 2, 1991; amended May 9, 1994.)

Patsy Johnson, R.N., M.N. Executive Administrator

Board of Indigents' Defense Services

Notice of Meeting

The State Board of Indigents' Defense Services will conduct a board meeting at 1:30 p.m. Monday, March 28, in Room 108 of the Landon State Office Building, 900 S.W. Jackson, Topeka. For additional information, contact Ron Miles, Director, State Board of Indigents' Defense Services, Room 304-N, Landon Building, (913) 296-4505.

Ronald E. Miles Director

Doc. No. 014601

State of Kansas

Department of Education

Permanent Administrative Regulations

Article 1.—CERTIFICATE REGULATIONS

- **91-1-102.** This regulation shall be revoked July 1, 1994. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked July 1, 1994.)
- **91-1-104.** This regulation shall be revoked July 1, 1994. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked July 1, 1994.)
- **91-1-104a.** This regulation shall be revoked July 1, 1994. (Authorized by and implementing Kansas Constitution, Article 6, Section 2(a); effective May 1, 1985; amended June 11, 1986; revoked July 1, 1994.)
- **91-1-110b.** This regulation shall be revoked July 1, 1994. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective June 1, 1988; revoked July 1, 1994.)
- **91-1-112a.** This regulation shall be revoked July 1, 1994. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1985; amended June 1, 1988; amended Sept. 2, 1991; revoked July 1, 1994.)
- **91-1-112b.** This regulation shall be revoked July 1, 1994. (Authorized by and implementing Kansas Constitution, Article 6, Section 2(a); effective May 1, 1985; amended June 11, 1986; revoked July 1, 1994.)
- **91-1-113a.** This regulation shall be revoked July 1, 1994. (Authorized by and implementing Kansas Constitution, Article 6, Section 2(a); effective May 1, 1985; revoked July 1, 1994.)

Dr. Lee Droegemueller Commissioner of Education

Doc. No. 014588

State of Kansas

Department of Transportation

Notice to Contractors

Sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the office of the Chief of Construction and Maintenance, KDOT, Topeka, until 10 a.m. April 21, and then publicly opened:

District One—Northeast

Brown—7 C-3191-01—County road, 1.1 miles north and 3 miles east of the K-20 and U.S. 75 intersection, grading, bridge and surfacing. (Federal Funds)

Douglas—10-23 M-1769-01—Repair five slide areas near the interchange of K-10 and FAS 1374, slide repair. (State Funds)

Johnson—150-46 K-4425-01—K-150, Brougham Road, east to Pflumm Road in Olathe, 1.6 miles, grading and surfacing. (Federal Funds)

Johnson—105 TE-0047-01—Various locations in Bonner Springs, landscape and beautification. (Federal Funds)

Johnson—46 U-1307-01—Shawnee Mission Parkway, from Hasley Street to Merriam Drive in Shawnee, 1.5 miles, grading, bridge and surfacing. (Federal Funds)

Johnson/Wyandotte—106 K-5328-01—11 lighting towers on I-35, I-70, I-435, I-635 and U.S. 69, lighting. (State Funds)

Marshall—36-58 K-4057-01—U.S. 36, from the Washington-Marshall county line east to the west junction of U.S. 77, 7.4 miles, recycling. (State Funds)

Marshall—77-58 K-4373-01—U.S. 77, Deer Creek bridge 18, 5.1 miles north of the west junction of U.S. 36, bridge replacement. (Federal Funds)

Riley—24-81 K-5186-01—U.S. 24, from the junction of K-82, east, south and east to the east junction of U.S. 77, 13.3 miles, overlay. (State Funds)

Shawnee/Douglas—40-106 K-5551-01—U.S. 40 from Green Road in Shawnee County to Stull Road in Douglas County, 12 miles, pavement marking. (Federal Funds)

Wyandotte—70-105 K-4768-01—Interstate 70 bridges, 0.3 mile and 0.5 mile west of the Missouri state line, bridge painting. (State Funds)

Wyandotte—24-105 N-0045-01—U.S. 24 and 41st Street Terrace in Kansas City, traffic signal. (Federal Funds)

District Two-Northcentral

Cloud—81-15 K-3389-01—U.S. 81 bridge 20 over the Missouri Pacific Railroad in Concordia, bridge replacement. (Federal Funds)

Cloud—9-15 K-4615-01—K-9, two locations in Clyde, from the south city limits to Grant Street and from Railroad Street to the Elk Creek bridge, 0.7 mile, pavement reconstruction. (State Funds)

Dickinson—4-21 K-5202-01—K-4, 10.2 miles east of the Dickinson-Saline county line, 0.1 mile, culvert replacement. (State Funds)

(continued)

Norton—9-69 K-5204-01—K-9, bridge 52, Scull Creek, 28.6 miles east of the Decatur-Norton county line, bridge overlay. (State Funds)

Norton—383-69 K-5250-01—K-383, bridges 24 and 25 Prairie Dog Creek Drainage, bridge overlay. (State Funds)

Phillips—9-74 K-5205-01—K-9, bridge 34, Wolf Creek, 7.6 miles east of the county line, bridge overlay. (State Funds)

Republic—148-79 K-5216-01—K-148, two culverts west of U.S. 81, 0.1 mile, culvert construction. (State Funds)

Saline—135-85 K-5329-01—Lighting tower 1,200 feet south of I-70 and I-135, lighting. (State Funds)

Sherman—253-91 K-5239-01—K-253, bridge 34 over I-70, bridge overlay. (State Funds)

Thomas—70-97 K-5240-01—Bridge 26 over I-70, 27.6 miles east of the Thomas-Sherman county line, bridge overlay. (State Funds)

Washington—36-101 K-4056-01—U.S. 36, from the two-lane/four-lane divided highway east to the Washington-Marshall county line, 4.1 miles, recycling. (State Funds)

District Three—Northwest

Logan—83-55 K-4080-02—Smoky Hill River bridge (009), 6.76 miles north of the Scott-Logan county line, bridge replacement. (State Funds).

Trego—98 C-3066-01—County road, 4 miles south and 1.1 miles west of Trego Center, 0.2 mile, grading and bridge. (Federal Funds)

District Four-Southeast

Allen—1 C-3099-01—County road, 6.2 miles west of Elsmore, then east, 2.6 miles grading and surfacing. (Federal Funds)

Allen—59-1 K-5231-01—U.S. 59, bridge 21, South Fork Little Osage River Drainage, bridge overlay. (State Funds)

Bourbon—69-6 K-5235-01—U.S. 69, bridge 9 over U.S. 54 (Wall Street) in Fort Scott, bridge repair. (State Funds)

Coffey—35-16 K-5215-01—I-35, five bridges in an area from three miles east of the Lyon County line to one mile west of U.S. 75, bridge overlay. (State Funds)

Franklin—35-30 K-5220-01—I-35, bridges 23 and 24 over Rock Creek, bridge overlay. (State Funds)

Miami—68-61 K-5234-01—K-68, bridge 42, Bull Creek and Burlington Northern Railroad, 10.5 miles east of the Franklin-Miami county line, bridge repair. (State Funds)

Woodson—54-104 K-2067-01—U.S. 54, Cedar Creek bridge 1, 1.2 miles east of K-105, bridge replacement. (Federal Funds)

DISTRICT FIVE—Southcentral

Barton—281-5 K-4618-01—U.S. 281, from the junction of K-4 south 1,000 feet in Hoisington, 0.2 mile, pavement reconstruction. (State Funds)

Barton—96-5 U-1506-01—K-96 and Broadway in Great Bend, traffic signal. (Federal Funds)

Butler—177-8 K-4357-01—K-177, Walnut River bridge 52, 0.1 mile south of the I-35, junction, bridge replacement. (Federal Funds)

Rush—96-83 K-4060-01—K-96, from the west city limits of Alexander east to the two-lane/four-lane in Rush Center, 13.5 miles, grading, bridge and surfacing. (State Funds)

Sedgwick—54-87 K-4760-01—U.S. 54, pedestrian overpass 319, 0.6 mile east of the junction of I-135, bridge painting. (State Funds)

Stafford—93 C-3045-01—County road, 5.5 miles north and 4 miles east of St. John, then north, 0.3 mile, grading, bridge and surfacing. (Federal Funds)

District Six—Southwest

Finney—156-28 K-5218-01—K-156, bridge 8 Pawnee River Drainage, bridge repair. (State Funds)

Ford—56-29 K-4424-01—U.S. 56, from the junction of U.S. 56/U.S. 50B east to K-129 in Dodge City, 2.2 miles, grading and surfacing. (State Funds)

Hamilton—50-38 K-5225-01—U.S. 50, bridge 38, over Shirley Creek, bridge repair. (State Funds)

Haskell—56-41 K-4623-01—U.S. 56, from Dennis Street to the west city limits of Sublette, 1 mile, shoulders. (State Funds)

Morton—51-65 K-4067-01—K-51, north fork Cimarron River bridge 6, 0.3 mile east of the north junction of K-27, bridge replacement. (Federal Funds)

Wichita—25-102 K-5211-01 K-25, bridge 2 over Sand Creek, 9.4 miles north of the county line, bridge repair. (State Funds)

Wichita—25-102 K-5212-01—K-25, bridge 4 over Ladder Creek, 25.9 miles north of the county line, bridge repair. (State Funds)

Proposals will be issued upon request to all prospective bidders who have been prequalified by the Kansas Department of Transportation on the basis of financial condition, available construction equipment, and experience. Also, a statement of unearned contracts (Form No. 284) must be filed. There will be no discrimination against anyone because of race, age, religion, color, sex, handicap, or national origin in the award of contracts.

Each bidder shall file a sworn statement executed by or on behalf of the person, firm, association or corporation submitting the bid, certifying that such person, firm, association or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the submitted bid. This sworn statement shall be in the form of an affidavit executed and sworn to by the bidder before a person who is authorized by the laws of the state to administer oaths. The required form of the affidavit will be provided by the state to each prospective bidder. Failure to submit the sworn statement as part of the bid approval package will make the bid nonresponsive and not eligible for award consideration.

Plans and specifications for the projects may be examined at the office of the respective county clerk or at the KDOT district office responsible for the work.

Michael L. Johnston Secretary of Transportation

Doc. No. 014599

AMON M

Office of Judicial Administration Court of Appeals Docket

(Note: Dates and times of arguments are subject to change.)

Kansas Court of Appeals Court of Appeals Courtroom, Second Floor Kansas Judicial Center Topeka, Kansas

Tuesday, April 5, 1994

Before Briscoe, C.J.; Gernon and Royse, J.J.

9:30 a.m.

Case No.	Case Name	Attorneys	County
69,625	Scotch Mist, Inc., et al., Appellants,	Kenneth F. Crockett	Shawnee
	Steve Hohman, Appellee.	Justice B. King	
		10:00 a.m.	
70,524	State of Kansas, Appellee, v. Jeffery Scott Hughes, Appellant.	County Attorney Attorney General J. Patrick Lawless	Miami
69,715	Manford L. Cooper, Appellant, v. State of Kansas, Appellee.	John Eyer Attorney General County Attorney	Republic
69,981	State of Kansas, Appellee, V Clarence Bernard Hauk II, Appellant.	County Attorney Attorney General Randy M. Barker	Atchison
	Summary Calen	dar — No Oral Argument	
70,356	Charles Goodseal, Appellant, v.	Charles J. Cavenee	Leavenworth
	Kansas Parole Board, Appellee.	John J. Knoll	
		Royse, J.; and Stephen D. Hill, Judge, assigned.	
Mark S		1:00 p.m.	
69,896	State of Kansas, Appellee, v. David R. Bernard, Appellant.	District Attorney Attorney General Kristine Paredes	Shawnee
69,449	State of Kansas, Appellee,	District Attorney Attorney General	Shawnee
69,789	Mickey Randolph, Appellant. State of Kansas, Appellee, v.	Julie Gorenc County Attorney Attorney General	Brown
	Billy Maxwell, Appellant.	J. Patrick Lawless	
		ndar—No Oral Argument	
69,853	State of Kansas, Appellee, v. Brett C. Matlock, Appellant.	District Attorney Attorney General Wendy Slayton	Shawnee
70,040	State of Kansas, Appellee, v. David W. Beals, Appellant.	District Attorney Attorney General Thomas Jacquinot	Shawnee
	David W. Deats, Appelland.	monas jacquiaot	(continued)

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	Before Briscoe, C.J.; Dist	Gernon, J.; and Stephen D. Hill, rict Judge, assigned.	
		2:30 p.m.	
69,916	State of Kansas, Appellee, v.	District Attorney Attorney General	Douglas
60 7700	Danny Lee Kelly, Appellant.	Jeffrey Shaw	
69,738	State of Kansas, Appellee, v. Vickie Sanborn, Appellant.	County Attorney Attorney General Hazel Haupt	Saline
70,063	State of Kansas, Appellee, v.	County Attorney Attorney General	Saline
	Jennifer Jo Harmon, Appellant.	Mike Sheahan	
	Summary Cal	endar—No Oral Argument	
69,623	State of Kansas, Appellee, v.	County Attorney Attorney General	Franklin
70,351	Terry Revels, Appellant. In the Matter of the Estate of Sadie M. Elbrader, deceased.	Forrest Lowry Gilbert E. Gregory Daniel F. Meara	Bourbon
ンタン - 1000 A - 200 マンコー はおい な		esday, April 6, 1994	
	Before Gernon, P.	J.; Royse, J.; and Stephen D. Hill, rict Judge, assigned.	
Case No.	Case Name	9:30 a.m.	
69,770	State of Kanss, Appellee,	County Attorney Attorney General	Lyon
	Joe Lewis Stewart, Jr. Appellant.	Jessica Ř. Kunen	
70,090	Bryce Decker, Appellant,	Jeffrey W. Jones	Shawnee
	v. Robert McDowell, Appellee.	Craig C. Blumreich	
		10:30 a.m.	
69,886	Cortland Berry, Appellant, v.	Courtland Berry, pro se	Shawnee
	Roger McCollister, Appellee.	Evelyn Zabel Wilson	
70,189	State of Kansas, Appellant,	District Attorney	Shawnee

Kansas Court of Appeals Court of Appeals Courtroom, Third Floor Old Sedgwick County Courthouse, 510 N. Main Wichita, Kansas

Summary Calendar—No Oral Argument

Victor Manuel Gonzalez III, Appellee.

State of Kansas, Appellant,

Eric Maddox, Appellee.

Attorney General

Ronald E. Wurtz

County Attorney

Attorney General

Sue Devoe

Tuesday, April 5, 1994

Before Larson, P.J.; Elliott, J.; and Larry T. Solomon, District Judge, assigned.

9:00 a.m.

Attorneys 70,533 Curtis Barton, Jr., Appellee, Joseph H. Cassell Sedgwick Farmers Ins. Co., et al., Appellants. David A. Morris

70,628

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Court o	f Appeals Docket	Kansas Register	3/1
69,686	Pizza Hut, Appellant, v. Kenneth Perry, et al., Appellees.	Michael E. Baker Robert S. Fuqua James R. Gilhousen	Sedgwick
	Summar	y Calendar—No Oral Argument	
69,956	State of Kansas, Appellee, v. Shannon L. Stuck, Appellant.	County Attorney Attorney General Cortland Berry	Lyon
69,908	In the Interest of P.G.B.	Gerald J. Domitrovic William R. Griffith Debra S. Byrd	Sedgwick
69,234	State of Kansas, Appellee, v. Larry J. Burton, Appellant.	Debra S. Byrd Attorney General Reid Nelson	Sedgwick
		P.J.; Rulon, J.; and Larry T. Solomon,	
		District Judge, assigned. 10:30 a.m.	
69,967	Ricky C. Hayden, Appellant, v. State of Kansas, Appellee.	Michael B. Brewer Attorney General Debra S. Byrd	Sedgwick
70,156	Cain Dixon, Jr., Appellant, v. State of Kansas, Appellee.	Robert S. Allen Attorney General Debra S. Byrd	Sedgwick
12		1:30 p.m.	
70,253	In the Matter of the Estate of Ru Campbell, deceased.		Stevens
69,827	Labette Comm. College, Appelle v.	e, Richard C. Dearth	Labette
	Human Rights Commission, App	pellant. Judy Fowler	
	Summa	ry Calendar—No Oral Argument	
69,537	State of Kansas, Appellee, v.	Debra S. Byrd Attorney General	Sedgwick
	Charles O. McIntosh, Appellant.	Jean Gilles Phillips	
	Before Rulon,	P.J.; Elliott, J.; and Larry T. Solomon, District Judge, assigned. 3:00 p.m.	
69,887	State of Kansas, Appellee, v. Joshua K. Jones, Appellant.	Debra S. Byrd Attorney General Steven Zinn	Sedgwick
69,944	State of Kansas, Appellee,	Debra S. Byrd Attorney General	Sedgwick
	Robert Carter, Appellant.	Thomas Jacquinot	
	Summa	ry Calendar—No Oral Argument	
69,910	State of Kansas, Appellee, v. Nancy J. Aguilera, Appellant.	Debra S. Byrd Attorney General Reid Nelson	Sedgwick
70,183	In the Interest of D.L.S., et al.	Harry M. Bass County Attorney Sally Pokorny	Montgomery
69,563	State of Kansas, Appellee, v. Shannon Taylor, Appellant.	Debra S. Byrd Attorney General Jeffrey Shaw	Sedgwick
* *	Silantion rayion, Appending	jenicy onaw	(continued

Wednesday, April 6, 1994 Before Larson, P.J.; Elliott and Rulon, JJ.

		9:00 a.m.	
Case No.	Case Name	Attorneys	County
69,677	Leaseamerica Corp., Appellant, v. Robert Stewart, Appellee.	William F. Kluge III Robert B. Barefield Martin R. Ufford	Ottawa
		10:00 a.m.	
69,891	State of Kansas, Appellee, v. Lesa Morton, Appellant.	Debra S. Byrd Attorney General Wendy Slayton	Sedgwick
69,947	State of Kansas, Appellee, v. Ronald D. Glaze, Jr., Appellant.	County Attorney Attorney General Jeffrey Shaw	Butler
	Summary C	alendar—No Oral Argument	
70,016	State of Kansas, Appellee, v. William F. Schlicher, Appellant.	County Attorney Attorney General William Schlicher, pro se	Sherman
69,689	State of Kansas, Appellee, v. Marshal J. Green, Sr., Appellant.	Debra S. Byrd Attorney General Thomas Jacquinot	Sedgwick

Kansas Court of Appeals Courtroom 300, Johnson County Courthouse Olathe, Kansas

Tuesday, April 5, 1994

Before Lewis, P.J.; Green, J.; and James J. Smith, District Judge, assigned.

Case No.	Case Name	9:30 a.m.	
70,046	State of Kansas, Appellee, v. John H. Ortego, Appellant.	District Attorney Attorney General Thomas Jacquinot	County Johnson
69,772 69,773	State of Kansas, Appellee, v. Walter McGee, Appellant.	District Attorney Attorney General Steven Zinn	Wyandotte
		10:30 a.m.	
69,823	State of Kansas, Appellee, v. Aaron E. Flanagan, Appellant.	District Attorney Attorney General Hazel Haupt	Johnson
69,594	State of Kansas, Appellee, V. Albert E. Flowers, Appellant.	District Attorney Attorney General Hazel Haupt	Wyandotte
69,696	State of Kansas, Appellee, v. Arthur L. Walston, Appellant.	District Attorney Attorney General Carl E. Cornwell	Wyandotte
		1:30 p.m.	
70,291	Diana L. Lawrence, Appellee,	Donald W. Vasos	Wyandotte
	KC Trans. Author., Appellant.	Hosea Ellis Sowell	

District Judge, assigned.

9:00 a.m.

Case No.	Case Name	Attorneys	County
70,594	First Bank & Trust, Appelle	e, W. Dean Owen	Saline
	v. Saline Co. Comm., et al., Ap	ppellants. Michael A. Mor	ntoya
70,322	Steve Fletcher, Appellant,	Robert A. Ande	erson
	Great Bend Packing and En Bd., Appellees.	npl. Security J. Michael Smith James R. McEn	tire and the state of the state
national Marketine			(continued)

		0:00 a.m.	
70,294	John Eichman, et al., Appellees,	Randall W. Weller	Graham
	Leavell Res. Corp., et al., Appellants.	Don C. Staab	
		1:00 a.m.	
70,122	State of Kansas, Appellee, v. Douglas M. Willis, Appellant.	County Attorney Attorney General Reid Nelson	Ellis
69,564	State of Kansas, Appellee, v.	County Attorney Attorney General	Scott
	Melvin W. Ott, Appellant.	Hazel Haupt	
70,093		1:00 p.m.	77112
70,093	Larry Furthmyer, Appellant, v.	Michael S. Holland	Ellis
	Dept. of Revenue, Appellee.	Brian Cox	
70,094	Thomas Munsch, Appellant,	Michael S. Holland	Ellis
	Dept. of Revenue, Appellee.	Brian Cox	
70,226	K & F Ltd., Appellant,	Brian Wright	Sherman
	v. Fred and Jeannie Schields, Appellees.	Jerry D. Fairbanks	
	Summary Calen	dar—No Oral Argument	
70,363	Arthur H. Dye, Appellant, v.	Thomas D. Herlocker	Cowley
	Harry Christiansen, Appellee.	Jack Focht	
69,390	State of Kansas, Appellee, v. Robert Landis, Appellant.	County Attorney Attorney General Rebecca Woodman	Seward
70,150	In the Interest of M.M.	Peter C. Rombold County Attorney William F. Stahl	Geary
70,517	Steven Mildfelt, Appellant,	Steven Mildfelt, pro se	Clay
	v. Sheriff Gary Caldwell, et al., Appellees.	Ronald L. Hodgson	
70,723	Jerold Cauthon, Appellant,	Jerold Cauthon, pro se	Norton
	v. Parole Board, et al., Appellees.	Robert Wasinger Karen Griffiths	
70,299	Daniel Basgall,	Stan Basgall	Ellis
	v. City of Hays, et al., Appellees, and Work. Comp. Fund, Appellant.	Jerry Ward	
69,631	State of Kansas, Appellee, v.	County Attorney Attorney General	Stafford
	Rinard Felke, Appellant.	Jean Gilles Phillips	Carol G. Green
			Clerk of the Appellate Courts

Secretary of State

I, Bill Graves, Secretary of State of the State of Kansas, do hereby certify that each of the following bills is a correct copy of the original enrolled bill now on file in my office.

In Testimony Whereof, I have hereunto subscribed my

name and affixed my official seal.

Bill Graves Secretary of State

(Published in the Kansas Register, March 24, 1994.) SENATE BILL No. 552

AN ACT concerning crimes, punishment and criminal procedure; amending K.S.A. 1993 Supp. 21-4603d and 22-3717 and repealing the existing sections; also repealing K.S.A. 1993 Supp. 21-3301a, 21-3302a, 21-3303a, 21-3414a, 21-3415a, 21-3715a, 21-3755a, 21-4603e and 21-4610b.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 1993 Supp. 22-3717 is hereby amended to read as follows: 22-3717. (a) Except as otherwise provided by this section and K.S.A. 1993 Supp. 21-4628 and amendments thereto, an inmate, including an inmate sentenced pursuant to K.S.A. 21-4618 and amendments thereto, shall be eligible for parole after serving the entire minimum sentence imposed by the court, less good time credits.

- (b) An inmate sentenced for a class A felony, including an inmate sentenced pursuant to K.S.A. 21-4618 and amendments thereto but not including an inmate sentenced pursuant to K.S.A. 1993 Supp. 21-4628 and amendments thereto or on or after July 1, 1993, inmate sentenced for an off-grid offense, shall be eligible for parole after serving 15 years of confinement, without deduction of any good time credits.
- (c) Except as provided in subsection (e), if an inmate is sentenced to imprisonment for more than one crime and the sentences run consecutively, the inmate shall be eligible for parole after serving the total of:
- (I) The aggregate minimum sentences, as determined pursuant to K.S.A. 21-4608 and amendments thereto, less good time credits for those crimes which are not class A felonies; and
- (2) an additional 15 years, without deduction of good time credits, for each crime which is a class A felony.
- (d) (1) Persons sentenced for crimes committed on or after July 1, 1993, will not be eligible for parole, but will be released to a mandatory period of postrelease supervision upon completion of the prison portion of their sentence as follows:
- (A) Except as provided in subparagraph (C), persons sentenced for nondrug severity level 1 through 6 crimes and drug severity levels 1 through 3 must serve 24 months, plus the amount of good time earned and retained pursuant to K.S.A. 1993 Supp. 21-4722, on postrelease supervision;
- (B) except as provided in subparagraph (C), persons sentenced for nondrug severity level 7 through 10 crimes and drug severity level 4 must serve 12 months, plus the amount of good time earned and retained pursuant to K.S.A. 1993 Supp. 21-4722, on postrelease supervision.
- (C) (i) The sentencing judge shall impose the presumptive post-release supervision period provided in subparagraph (d)(1)(A) or (d)(2)(B), unless the judge finds substantial and compelling reasons to impose a departure. A départure may be imposed on the post-release supervision for a period of up to 60 months based upon a finding that the current crime of conviction was sexually violent or sexually motivated.
- (ii) If the sentencing judge departs from the presumptive postrelease supervision period, the judge shall state on the record at the time of sentencing the substantial and compelling reasons for the departure. Departures in this section are subject to appeal pursuant to K.S.A. 1993 Supp. 21-4721.
- (iii) In determining whether substantial and compelling reasons exist, the court shall consider:

- (a) Written briefs or oral arguments submitted by either the defendant or the state:
 - (b) any evidence received during the proceeding;
- (c) the presentence report, the victim's impact statement and any psychological evaluation as ordered by the court pursuant to subsection (e) of K.S.A. 1993 Supp. 21-4714; and
 - (d) any other evidence the court finds trustworthy and reliable.
- (iv) The sentencing judge may order that a psychological evaluation be prepared and the recommended programming be completed by the offender. The department of corrections or the parole board shall ensure that court ordered sex offender treatment be carried out.
- (v) In carrying out the provisions of subparagraph (d)(1)(C), the court shall refer to K.S.A. 1993 Supp. 21-4718.
- (vi) Upon petition, the parole board may provide for early discharge from the postrelease supervision period upon completion of court ordered programs and completion of the presumptive postrelease supervision period, as determined by the crime of conviction, pursuant to subparagraph (d)(1)(A) or (B). Early discharge from postrelease supervision is at the discretion of the parole board.
- (vii) Persons convicted of crimes deemed sexually violent or sexually motivated, shall be registered according to the habitual sex offender registration act, K.S.A. 1993 Supp. 22-4901 through 22-4910 and amendments thereto; and
- (D) in cases where sentences for crimes from more than one severity level have been imposed, the highest severity level offense will dictate the period of postrelease supervision. Supervision periods will not aggregate.
 - (2) As used in this section, "sexually violent crime" means:
 - A) Rape, K.S.A. 21-3502, and amendments thereto;
- (B) indecent liberties with a child, K.S.A. 21-3503, and amendments thereto:
- (C) aggravated indecent liberties with a child, K.S.A. 21-3504, and amendments thereto;
- (D) criminal sodomy, subsection (a)(2) and (a)(3) of K.S.A. 21-3505 and amendments thereto;
- (E) aggravated criminal sodomy, K.S.A. 21-3506, and amendments thereto;
- (F) indecent solicitation of a child, K.S.A. 21-3510, and amendments thereto;
- (G) aggravated indecent solicitation of a child, K.S.A. 21-3511, and amendments thereto;
- (H) sexual exploitation of a child, K.S.A. 21-3516, and amendments thereto;
- (I) aggravated sexual battery, K.S.A. 21-3518, and amendments
- (J) any conviction for a felony offense in effect at any time prior to the effective date of this act, that is comparable to a sexually violent crime as defined in subparagraphs (A) through (I), or any federal or other state conviction for a felony offense that under the laws of this state would be a sexually violent crime as defined in this section;
- (K) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302, 21-3303, and amendments thereto, of a sexually violent crime as defined in this section; or
- (L) any act which at the time of sentencing for the offense has been determined beyond a reasonable doubt to have been sexually motivated. As used in this subparagraph, "sexually motivated" means that one of the purposes for which the defendant committed the crime was for the purpose of the defendant's sexual gratification.
- (e) If an inmate is sentenced to imprisonment for a crime committed while on parole or conditional release, the inmate shall be eligible for parole as provided by subsection (c), except that the Kansas parole board may postpone the inmate's parole eligibility date by assessing a penalty not exceeding the period of time which could have been assessed if the inmate's parole or conditional release had been violated for reasons other than conviction of a crime.
- (f) if an inmate is sentenced to prison for a crime committed after July 1, 1993, while on parole or conditional release for a crime committed prior to July 1, 1993, the old sentence shall be converted into a determinate sentence and will run consecutive to the new sentence as follows:

(continued)

(1) Twelve months for class C, D or E felonies or the conditional release date whichever is shorter:

(2) 36 months for class A or B felonies or the conditional

release date whichever is shorter.

(f) If a person is sentenced to prison for a crime committed on or after July 1, 1993, while on probation, parole, conditional release or in a community corrections program, for a crime committed prior to July 1, 1993, and the person is not eligible for retroactive anplication of the sentencing guidelines and amendments thereto pursuant to K.S.A. 21-4724 and amendments thereto, the new sentence shall not be aggregated with the old sentence, but shall begin when the person is paroled or reaches the conditional release date on the old sentence. If the offender was past the offender's conditional release date at the time the new offense was committed, the new sentence shall not be aggregated with the old sentence but shall begin when the person is ordered released by the Kansas parole board or reaches the maximum sentence expiration date on the old sentence, whichever is earlier. The new sentence shall then be served as otherwise provided by law. The period of postrelease supervision shall be based on the new sentence, except that those offenders whose old sentence is a term of imprisonment for life, imposed pursuant to K.S.A. 1993 Supp. 21-4628 and amendments thereto, or an indeterminate sentence with a maximum term of life imprisonment, for which there is no conditional release or maximum sentence expiration date, shall remain on postrelease supervision for life or until discharged from supervision by the Kansas parole board.

(g) Subject to the provisions of this section, the Kansas parole board may release on parole those persons confined in institutions who are eligible for parole when: (1) The board believes that the inmate should be released for hospitalization, for deportation or to answer the warrant or other process of a court and is of the opinion that there is reasonable probability that the inmate can be released without detriment to the community or to the inmate; or (2) the secretary of corrections has reported to the board in writing that the inmate has satisfactorily completed the programs required by any agreement entered under K.S.A. 75-5210a and amendments thereto, or any revision of such agreement, and the board believes that the inmate is able and willing to fulfill the obligations of a law abiding citizen and is of the opinion that there is reasonable probability that the inmate can be released without detriment to the community or to the inmate. Parole shall not be granted as an award of clemency and shall not be considered a reduction of sentence or

a pardon.

(h) The Kansas parole board shall hold a parole hearing during the month prior to the month an inmate will be eligible for parole under subsections (a), (b) and (c). At least the month preceding the parole hearing, the county or district attorney of the county where the inmate was convicted shall give written notice of the time and place of the public comment sessions for the inmate to any victim of the inmate's crime who is alive and whose address is known to the county or district attorney or, if the victim is deceased, to the victim's family if the family's address is known to the county or district attorney. Except as otherwise provided, failure to notify pursuant to this section shall not be a reason to postpone a parole hearing. In the case of any inmate convicted of a class A felony the secretary of corrections shall give written notice of the time and place of the public comment session for such inmate at least one month preceding the public comment session to any victim of such inmate's crime or the victim's family pursuant to K.S.A. 74-7338 and amendments thereto. If notification is not given to such victim or such victim's family in the case of any inmate convicted of a class A felony, the board shall postpone a decision on parole of the inmate to a time at least 30 days after notification is given as provided in this section. Nothing in this section shall create a cause of action against the state or an employee of the state acting within the scope of the employee's employment as a result of the failure to notify pursuant to this section. If granted parole, the inmate may be released on parole on the date specified by the board, but not earlier than the date the inmate is eligible for parole under subsections (a), (b) and (c). At each parole hearing and, if parole is not granted, at such intervals thereafter as it determines appropriate, the Kansas parole board shall consider: (1) Whether the inmate has satisfactorily completed the programs required by any agreement entered under K.S.A. 75-5210a and amendments thereto, or any revision of such

agreement; and (2) all pertinent information regarding such immate, including, but not limited to, the circumstances of the offense of the inmate; the presentence report; the previous social history and criminal record of the inmate; the conduct, employment, and attitude of the inmate in prison; the reports of such physical and mental examinations as have been made; comments of the victim and the victim's family; comments of the public; official comments; and capacity of state correctional institutions.

(i) In those cases involving inmates sentenced for a crime committed after July 1, 1993, the parole board will review the inmates proposed release plan. The board may schedule a hearing if they desire. The board may impose any condition they deem necessary to insure public safety, aid in the reintegration of the inmate into the community, or items not completed under the agreement entered into under K.S.A. 75-5210a and amendments thereto. The board may not advance or delay an inmate's release date. Every inmate while on postrelease supervision shall remain in the legal custody of the secretary of corrections and is subject to the orders of the secretary.

(j) Within a reasonable time after an inmate is committed to the custody of the secretary of corrections, a member of the Kansas parole board, or a designee of the board, shall hold an initial informational hearing with such inmate and other inmates.

- (k) Before ordering the parole of any inmate, the Kansas parole board shall have the inmate appear before it and shall interview the inmate unless impractical because of the inmate's physical or mental condition or absence from the institution. Every inmate while on parole shall remain in the legal custody of the secretary of corrections and is subject to the orders of the secretary. Whenever the Kansas parole board formally considers placing an inmate on parole and no agreement has been entered into with the inmate under K.S.A. 75-5210a and amendments thereto, the board shall notify the inmate in writing of the specific reasons for not granting parole. If an agreement has been entered under K.S.A. 75-5210a and amendments thereto and the inmate has not satisfactorily completed the programs specified in the agreement, or any revision of such agreement, the board shall notify the inmate in writing of the specific programs the inmate must satisfactorily complete before parole will be granted. If parole is not granted only because of a failure to satisfactorily complete such programs, the board shall grant parole upon the secretary's certification that the inmate has successfully completed such programs. If an agreement has been entered under K.S.A. 75-5210a and amendments thereto and the secretary of corrections has reported to the board in writing that the inmate has satisfactorily completed the programs required by such agreement, or any revision thereof, the board shall not require further program participation. However, if the board determines that other pertinent information regarding the inmate warrants the inmate's not being released on parole, the board shall state in detail the specific reasons for not granting the parole. If parole is denied for an inmate sentenced for a crime other than a class A or class B felony, the board shall hold another parole hearing for the inmate not later than one year after the denial. If parole is denied for an inmate sentenced for a class A or class B felony, the board shall hold another parole hearing for the inmate not later than three years after the denial and shall conduct an annual file review for such inmate. Written notice of such annual file review shall be given to the inmate. The provisions of this subsection shall not be applicable to inmates sentenced for crimes committed on or after July 1, 1993.
- (l) Parolees and persons on postrelease supervision shall be assigned, upon release, to the appropriate level of supervision pursuant to the criteria established by the secretary of corrections.
- (m) The Kansas parole board shall adopt rules and regulations in accordance with K.S.A. 77-415 et seq., and amendments thereto, not inconsistent with the law and as it may deem proper or necessary, with respect to the conduct of parole hearings, postrelease supervision reviews, revocation hearings, orders of restitution and other conditions to be imposed upon parolees or releasees. Whenever an order for parole or postrelease supervision is issued it shall recite the conditions thereof.

(n) Whenever the Kansas parole board orders the parole of an inmate or establishes conditions for an inmate placed on postrelease supervision, the board:

(1) Unless it finds compelling circumstances which would render

a plan of payment unworkable, shall order as a condition of parole or postrelease supervision that the parolee or the person on postrelease supervision pay any transportation expenses resulting from returning the parolee or the person on postrelease supervision to this state to answer criminal charges or a warrant for a violation of a condition of probation, assignment to a community correctional services program, parole, conditional release or postrelease supervision; and

to the extent practicable, shall order as a condition of parole or postrelease supervision that the parolee or the person on postrelease supervision make progress towards or successfully complete the equivalent of a secondary education if the inmate has not previously completed such educational equivalent and is capable of doing so.

- (o) If the court which sentenced an inmate specified at the time of sentencing the amount and the recipient of any restitution ordered as a condition of parole or postrelease supervision, the Kansas parole board shall order as a condition of parole or postrelease supervision that the inmate pay restitution in the amount and manner provided in the journal entry unless the board finds compelling circumstances which would render a plan of restitution unworkable. If the parolee was sentenced before July 1, 1986, and the court did not specify at the time of sentencing the amount and the recipient of any restitution ordered as a condition of parole, the parole board shall order as a condition of parole that the parolee make restitution for the damage or loss caused by the parolee's crime in an amount and manner determined by the board unless the board finds compelling circumstances which would render a plan of restitution unworkable. If the parolee was sentenced on or after July 1, 1986, and the court did not specify at the time of sentencing the amount and the recipient of any restitution ordered as a condition of parole or postrelease supervision, the parole board shall not order restitution as a condition of parole or postrelease supervision unless the board finds compelling circumstances which justify such an order.
- (p) Whenever the Kansas parole board grants the parole of an inmate, the board, within 10 days of the date of the decision to grant parole, shall give written notice of the decision to the county or district attorney of the county where the inmate was sentenced.
- When an inmate is to be released on postrelease supervision, the secretary, within 30 days prior to release, shall provide the county or district attorney of the county where the inmate was sentenced written notice of the release date.

(r) Inmates shall be released on postrelease supervision upon the termination of the prison portion of their sentence. Time served while on postrelease supervision will vest.

- An inmate who is allocated regular good time credits as provided in K.S.A. 22-3725 and amendments thereto may receive meritorious good time credits in increments of not more than 90 days per meritorious act. These credits may be awarded by the secretary of corrections when an inmate has acted in a heroic or outstanding manner in coming to the assistance of another person in a life threatening situation, preventing injury or death to a person, preventing the destruction of property or taking actions which result in a financial savings to the state.
- Sec. 2. K.S.A. 1993 Supp. 21-4603d is hereby amended to read as follows: 21-4603d. (a) Whenever any person has been found guilty of a crime, the court may adjudge any of the following:
- (1) Commit the defendant to the custody of the secretary of corrections if the current crime of conviction is a felony and the criminal history score falls within a presumptive incarceration category or through a departure for substantial and compelling reasons sentence presumes imprisonment, or the sentence imposed is a dispositional departure to imprisonment; or, if confinement is for a misdemeanor, to jail for the term provided by law;

impose the fine applicable to the offense;

release the defendant on probation if the current crime of conviction and criminal history fall within a presumptive nonprison category or through a departure for substantial and compelling reasons subject to such conditions as the court may deem appropriate, including orders requiring full or partial restitution. In felony cases, the court may include confinement in a county jail not to exceed 30 days, which need not be served consecutively, as a condition of probation or community corrections placement;

(4) assign the defendant to a community correctional services program in presumptive nonprison cases or through a departure for substantial and compelling reasons subject to such conditions as the court may deem appropriate, including orders requiring full or partial

(5) assign the defendant to a conservation camp for a period not to exceed 180 days;

(6), assign the defendant to a house arrest program pursuant to K.S.A. 21-4603b and amendments thereto;

(7) order the defendant to attend and satisfactorily complete an alcohol or drug education or training program as provided by subsection (3) of K.S.A. 21-4502 and amendments thereto:

(8) order the defendant to repay the amount of any reward paid by any crime stoppers chapter, individual, corporation or public entity which materially aided in the apprehension or conviction of the defendant; or repay the amount of any public funds utilized by a law enforcement agency to purchase controlled substances from the defendant during the investigation which leads to the defendant's conviction. Such repayment of the amount of any public funds utilized by a law enforcement agency shall be deposited and credited to the same fund from which the public funds were credited to prior to use by the law enforcement agency; or

(9) impose any appropriate combination of (1) and (2) or, (2), (3), (4), (5), (6), (7) and (8).

In addition to or in lieu of any of the above, the court shall order the defendant to submit to and complete an alcohol and drug evaluation, and pay a fee therefor, when required by subsection (4) of K.S.A. 21-4502 and amendments thereto.

In imposing a fine the court may authorize the payment thereof in installments. In releasing a defendant on probation, the court shall direct that the defendant be under the supervision of a court services officer. If the court commits the defendant to the custody of the secretary of corrections or to jail, the court may specify in its order the amount of restitution to be paid and the person to whom it shall be paid if restitution is later ordered as a condition of parole or conditional release.

When a new felony is committed while the offender is incarcerated and serving a sentence for a felony or while the offender is on probation, assignment to a community correctional services program, parole, conditional release, or postrelease supervision for a felony, a new sentence shall be imposed pursuant to the consecutive sentencing requirements of K.S.A. 21-4608, and amendments thereto. and the court may sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure.

The court in committing a defendant to the custody of the secretary of corrections shall fix a term of confinement within the limits provided by law. In those cases where the law does not fix a term of confinement for the crime for which the defendant was convicted, the court shall fix the term of such confinement.

(b) Dispositions which do not involve commitment to the custody of the secretary of corrections shall not entail the loss by the defendant of any civil rights.

(c) This section shall not deprive the court of any authority conferred by any other Kansas statute to decree a forfeiture of property, suspend or cancel a license, remove a person from office, or impose any other civil penalty as a result of conviction of crime.

(d) An application for or acceptance of probation or assignment to a community correctional services program shall not constitute an acquiescence in the judgment for purpose of appeal, and any convicted person may appeal from such conviction, as provided by law, without regard to whether such person has applied for probation, suspended sentence or assignment to a community correctional services program.

(e) When it is provided by law that a person shall be sentenced pursuant to K.S.A. 1993 Supp. 21-4628 and amendments thereto, the provisions of this section shall not apply.

Sec. 3. K.S.A. 1993 Supp. 21-3301a, 21-3302a, 21-3303a, 21-3414a, 21-3415a, 21-3715a, 21-3755a, 21-4603d, 21-4603e, 21-4610b and 22-3717 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register, March 24, 1994.)

HOUSE BILL No. 2674

AN ACT relating to elections; concerning equipment and personnel; amending K.S.A. 25-2703 and 25-2808 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 25-2703 is hereby amended to read as follows: 25-2703. The county election officers shall provide suitable voting places in which to hold all national, state, county, township, city and school primary and general elections, question submitted elections and other public elections. County election officers shall arrange for voting places to be warmed, lighted, and furnished with proper supplies and conveniences, including a sufficient number of booths, shelves and pencils, to enable the voters to prepare their ballots, screened from observation. Voting booths shall be in plain view of the receiving board, and both they and the ballot boxes shall be in plain view of electors waiting to vote. Each booth shall have three sides enclosed, one side in front to open and shut be designed so as to protect the privacy of the voter. Booths shall be well lighted.

No person other than judges, clerks and other election officers allowed by law, and those admitted for the purpose of voting, shall be permitted within three feet of the voting booths, of voting machines where they are used, or of any table being used by the election board, except by the authority of the supervising judge. The number of voting booths shall not be less than one to every 60 voters expected by the county election officer to vote at the voting place. Voting booths shall be deposited with the county election officer between elections.

Sec. 2. K.S.A. 25-2808 is hereby amended to read as follows: 25-2808. The country election officer in counties not using electronic or electromechanical voting systems shall determine for each election for each voting place whether the election board thereof will have three members, five members, seven members or some greater odd number of members.

The county election officer in those ecunties using electronic and electromechanical voting systems shall determine for each election, for each voting place, whether the election board thereof will have three members or some greater number of members.

- Sec. 3. K.S.A. 25-2703 and 25-2808 are hereby repealed.
- Sec. 4. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register, March 24, 1994.)

SENATE BILL No. 427

AN ACT concerning libraries; relating to grants-in-aid to libraries; amending K.S.A. 75-2554, 75-2556 and 75-2557 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 75-2554 is hereby amended to read as follows: 75-2554. As used in this act, unless the context clearly indicates a different meaning:

- (a) "Local public libraries" means mean (1) Kansas libraries operating under the provisions of K.S.A. 12-1215 to 12-1248, inclusive, and acts amendatory thereof and supplemental thereto, or (2) amendments thereto; (2) libraries operating under the provisions of K.S.A. 1993 Supp. 12-1260 to 12-1270, inclusive, and amendments thereto; (3) libraries operating under the provisions of K.S.A. 1993 Supp. 12-1276, and amendments thereto; (4) libraries operating under the provisions of K.S.A. 72-1623, and amendments thereto; (5) municipalities contracting with any library for the furnishing of library services to such municipality pursuant to K.S.A. 12-1230 or 12-1269, and amendments thereto;
- (b) "regional libraries" means mean the regional systems of libraries heretofore organized and operating under authority of K.S.A. 75-2547 to 75-2552, inclusive, and amendments thereto;
- (c) "state library" means the Kansas state library created and operating under authority of K.S.A. 75-2534; and "state librarian" means the chief officer thereof, appointed pursuant to K.S.A. 75-2535; and amendments thereto; and

- (d) "state librarian" means the state librarian appointed pursuant to K.S.A. 75-2535, and amendments thereto.
- Sec. 2. K.S.A. 75-2556 is hereby amended to read as follows: 75-2556. (a) Annually, on or before December 1, each local public library shall report to the state library the total population residing within its district as determined from the latest population census figures as certified by the division of the budget. Such report shall also shall state:
- (1) The amount produced by the local ad valorem tax levies for the current year expenses for such library;
- (2) the amount of moneys received from the local ad valorem tax reduction fund for current year expenses for such library;
- (3) the amount of moneys received from taxes levied upon motor vehicles under the provisions of K.S.A. 79-5101 et seq., and amendments thereto, for current year expenses for such library;
- (4) the amount of moneys received in the current year from collections of unpaid local ad valorem tax levies for prior year expenses for such library;
- (5) the mill rate levied within the district during the previous
- (6) the assessed taxable tangible property valuation within the district; and
 - (7) such other information as the state librarian shall require.
- (b) Based upon such census figures, the state librarian shall determine the amount each eligible local public library is to receive.
- (c) Except as provided by subsection (e), no local public library shall be eligible for any state grants-in-aid if the total amount of the following paragraphs is less than the total amount produced from such sources for the same library for the previous year:
- (1) The amount produced by the local ad valorem tax levies for the current year expenses for such library,
- (2) the amount of moneys received from the local ad valorem tax reduction fund for current year expenses for such library;
- (3) the amount of moneys received from taxes levied upon motor vehicles under the provisions of K.S.A. 79-5101 et seq., and amendments thereto, for current year expenses for such library, and
- (4) the amount of moneys received in the current year from collections of unpaid local ad valorem tax levies for prior year expenses for such library.
- (d) Local public library districts in which the assessed valuation decreases shall remain eligible for state grants-in-aid so long as the ad valorem tax mill rate for the support of such library has not been reduced below the mill rate imposed for such purpose for the previous year.
- (e) If a local public library fails to qualify for eligibility for any state grants-in-aid under subsection (c), the state librarian shall have the power to continue the eligibility of a local public library for any state grants-in-aid if the state librarian, after evaluation of all the circumstances, determines that the legislative intent for maintenance of local tax levy support for the on-going operations of the library is being met by the library district.
- (f) The distribution so determined shall be apportioned and paid on April 1 and June February 1 of each year.
- Sec. 3. K.S.A. 75-2557 is hereby amended to read as follows: 75-2557. Annually, on or before March January 15, the state librarian shall certify to the director of accounts and reports the amounts payable for the current calendar year to each of the libraries in the state as computed under the provisions of K.S.A. 75-2555, and amendments thereto. It shall be the duty of the director to draw warrants on such fund as specified by the state librarian upon claims properly submitted therefor. The director of accounts and reports shall notify the state treasurer and the state librarian of such action.
- Sec. 4. K.S.A. 75-2554, 75-2556 and 75-2557 are hereby repealed.
- Sec. 5. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register, March 24, 1994.)

HOUSE BILL No. 2575

An ACT concerning the state fair; authorizing an agreement for the receipt, administration and investment of certain moneys for the benefit of the state fair.

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) The state fair board is hereby authorized to negotiate and enter into an agreement with the Hutchinson community foundation, a not-for-profit corporation, for the Hutchinson community foundation to receive, administer and invest any moneys donated, bequeathed, granted, awarded or contributed from any private or public source outside the state treasury for the general benefit of the state fair or for specific capital improvements, projects, programs, activities or events for the benefit of the state fair. All moneys received for such purposes by the Hut

foundation, and all interest earned thereon, shall be deposited, administered and disbursed by the Hutchinson community foundation to the state fair board in accordance with the agreement, after payment of any applicable fees or expenses authorized by the agreement. The state fair board shall not enter into any agreement with the Hutchinson community foundation under this section until the agreement has been reviewed and approved by the attorney general.

Upon receipt of any such moneys by the state fair board, the state fair board shall remit the entire amount of the remittance to the state treasurer. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount to the credit of the state fair fee fund or the state fair capital improvements fund, or in designated amounts of such remittance to each of such funds as specified by the state fair board.

Sec. 2. This act shall take effect and be in force from and after

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